

UNDT/2013/139, Ortayli

UNAT Held or UNDT Pronouncements

UNDT found that there was no evidence before the Tribunal that would suggest that the Chief, FASB, did not follow any of the applicable rules in denying the Applicant's request in reliance upon MSD's recommendation. The fact that the Applicant had not been provided with a reason as to why the treating physicians opinions were not accepted is not at issue in the present case and does not of itself impugn the integrity of the decision. UNFPA's reliance on MSD's recommendation was not improper nor was it an impermissible option for the manager to take within the ambit of his responsibilities. The requirement that the Organization's MSD should be asked whether they support a request for business class travel on medical grounds is eminently reasonable. Any employer is entitled to impose such a requirement subject to ensuring that those responsible in the chain of decision-making act in good faith and with integrity and propriety. There is nothing in the facts of this case to question the decision on the basis of a breach of procedure or to suggest that impermissible considerations contaminated the decision-making process.

Decision Contested or Judgment/Order Appealed

The Applicant contested the 9 November 2012 decision by UNFPA to reject her request for an exemption on medical grounds from the Duty Travel Policy which only grants business class air travel for itineraries beyond a duration of nine hours.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ortayli

Entity

UNFPA

Case Number(s)

UNDT/NY/2013/26

Tribunal

UNDT

Registry

New York

Date of Judgement

8 Nov 2013

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNFPA Policies and Procedures Manual, Disciplinary Framework