

UNDT/2015/099, Awe

UNAT Held or UNDT Pronouncements

The Tribunal found the Applicant's reassignment was a proper exercise of the Secretary-General's discretion and dismissed the application. Reassignment of the Applicant: The Tribunal found that the relocation of the Applicant to Kuwait was prompted by administrative and humanitarian reasons based on space constraints in UNAMI in order to accommodate more humanitarian staff who were dealing with the influx of refugees from Syria. Accordingly, the Tribunal concluded that the Secretary-General's exercise of discretion was not tainted by any improper motives. Payment of DSA, hardship and mobility allowances: The Tribunal concluded that the Applicant was only entitled to DSA and/or hardship allowances for the days he actually spent in Baghdad, which is classified as category E for purposes of hardship allowances and other entitlements as provided by ST/IC/2013/23. The Applicant cannot be entitled to what is not due to him in law.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to change his duty station from Baghdad to Kuwait retroactively and to deprive him of the entitlements due to staff members serving in Baghdad.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Awe

Entity

UNAMI

Case Number(s)

UNDT/NBI/2013/85

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

22 Oct 2015

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Daily Subsistence Allowance (DSA)

Mobility/hardship allowance

Relocation grant

Applicable Law

Administrative Instructions

- ST/AI/2011/6

Staff Regulations

- Regulation 1.2(c)

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

UNDT RoP

- Article 19

UNDT Statute

- Article 8.1(c)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2010/172

UNDT/2015/007

2010-UNAT-062

2010-UNAT-084

2012-UNAT-243

2012-UNAT-257

2015-UNAT-503