

UNDT/2015/102, Cox

UNAT Held or UNDT Pronouncements

Restructuring: The Tribunal concluded that the Applicant's position and core responsibilities did not change as a result of the decision to reintegrate the Unit into one. He was to continue to perform the same duties although without the additional task of acting as the supervising officer of staff in the Operations Section of the Unit. Consultation: The Tribunal concluded that since the changes made to the Applicant's functional and reporting arrangements were not significant and did not alter his substantive position, the Administration was not strictly obliged under section 5(c) of ST/SGB/274 to inform the Applicant in advance and provide him with an opportunity for consultation. Ill motivation: The Tribunal held that although the Application can be interpreted to include a separate claim for harassment, the Applicant did not exhaust his remedies under ST/SGB/2008/5. Thus, the Tribunal lacked jurisdiction to make findings on his allegations of harassment. The Tribunal found that the Applicant had not met the burden of proof to establish that the contested decision was ill motivated.

Decision Contested or Judgment/Order Appealed

The Applicant is contesting a decision of the United Nations Mission in South Sudan to transfer his assigned duties to another staff member on the basis of a restructuring exercise.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Cox

Entity

UNMISS

Case Number(s)

UNDT/NBI/2014/45

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

30 Oct 2015

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reassignment or transfer
Restructuring

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5
- ST/SGB/274

Staff Regulations

- Regulation 1.2(c)

Related Judgments and Orders

UNDT/2009/083

UNDT/2012/043

2011-UNAT-123

2013-UNAT-329