

UNDT/2016/188, Pedicelli

UNAT Held or UNDT Pronouncements

Findings of fact by the Appeals Tribunal – As a matter of general principle, it is not permissible for the Tribunal to question a finding of fact or a ruling on the law as set down by the Appeals Tribunal. Receivability – A staff member who raises a credible claim which needs to be tested ought not to be shut out at a preliminary stage. There is a difference between a claim that is clearly not receivable because it does not challenge an administrative decision within the meaning of art. 2.1 and a claim which on the face of it raises an apparently credible challenge that a decision of general application has an adverse impact on an individual staff member. Such a claim has to be determined on its merits.

Decision Contested or Judgment/Order Appealed

The Applicant is a Meetings Services Assistant at the Secretariat of the Convention on Biological Diversity (SCBD) based in Montreal, Canada. On 26 November 2012, she filed an application contesting the decision to introduce the Global Classification Standard (GCS) for General Service in the SCBD. On 26 June 2014, the Dispute Tribunal found that the application was not receivable. On appeal by the Applicant, UNAT ruled, on 2 July 2015, that the application was receivable and remanded the case to the Dispute Tribunal for a de novo consideration before a different judge. The UNDT found that the renumbering exercise had a legitimate organizational objective of introducing the GCS for General Service positions throughout the United Nations Common System. Accordingly, the grade level of staff in SCBD Montreal had to be aligned to conform with the GCS. In the circumstances it was not an exercise in classification within the meaning of ST/AI/1998/9. The Applicant has failed to demonstrate that the alignment of her post to conform with the GCS had a detrimental impact on her salary or pension benefits. The figures and calculations used by the Applicant to prove any pecuniary loss were based on the assumption that she was wrongly placed at the GCS- Level-6 instead of GCS-level-7.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Pedicelli

Entity

UNEP

Case Number(s)

UNDT/NBI/2012/65/R1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

17 Oct 2016

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Classification (post)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/1998/9

UNDT Statute

- Article 2.1

Related Judgments and Orders

2015-UNAT-555