

UNDT/2018/107, Teo

UNAT Held or UNDT Pronouncements

It is within the Administration's discretion to reassign a staff member to a different post at the same level. Such a reassignment is lawful if reasonable in the particular circumstances of each case and if it causes no economic prejudice to the staff member. The responsibilities must correspond to the level, the function must be commensurate with the staff member's competence and skills and the staff member must have substantial experience in the field. An Organization has to act fairly, honestly, justly and transparently towards a staff member. If an Organization offers a staff member a particular post in a post-matching exercise and the staff member accepts, it is reasonable for the staff member to expect she/he will be placed on that particular post. A request for financial compensation for lost professional opportunity must be supported by evidence. The testimony of an Applicant alone without corroboration by independent evidence (expert or otherwise) affirming that non-pecuniary harm has occurred is not satisfactory to support an award of damages.

Decision Contested or Judgment/Order Appealed

(1) The Applicant's assignment by OHCHR to General Temporary Assistance post contrary to the terms of a post-matching exercise according to which the Applicant would be laterally transferred from a post in Geneva to a regular-budget post in New York. (2) The failure of OHCHR to assign appropriate functions to the Applicant commensurate with the position the Applicant accepted pursuant to the post-matching exercise.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Specific performance was ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Teo

Entity

OHCHR

Case Number(s)

UNDT/NY/2017/020

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Oct 2018

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Loss of chance

Reassignment or transfer

Applicable Law

Staff Regulations

- Regulation 1.2(c)

UNDT Statute

- Article 10.5(b)

Related Judgments and Orders

2017-UNAT-759

2014-UNAT-482

2016-UNAT-667

2017-UNAT-712

2018-UNAT-847