

2011-UNAT-105, Fuentes

UNAT Held or UNDT Pronouncements

UNAT considered appeals from both the Secretary-General and Ms Fuentes. UNAT held that UNDT correctly found her appeal regarding an investigation by OIOS to be time-barred. UNAT held that UNDT correctly held that it was the special procedure under Administrative Instruction ST/AI/1998/9 and not former Staff Rule 111(2)(a) that applied to appeals of classification decisions and that the Administration had failed to respond to Ms Fuentes' appeal against the reclassification decision. UNAT dismissed both appeals and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested an investigation by the Office of Internal Oversight Services (OIOS) and the non-classification of her post. UNDT found that the appeal regarding the OIOS investigation was time-barred. UNDT found that the decision not to reclassify her post was illegal and awarded compensation.

Legal Principle(s)

UNAT will not undertake an exercise to classify or reclassify posts in an organisation's structure.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Fuentes

Entity

UNOG

Case Number(s)

2010-099

2010-100

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Classification (post)

Applicable Law

Administrative Instructions

- ST/AI/1998/9

Former Staff Rules

- Rule 111.2(a)

Related Judgments and Orders

UNDT/2010/064