

2013-UNAT-303, O'Hanlon

UNAT Held or UNDT Pronouncements

UNAT rejected UNDT's finding and held that, pursuant to the Inter-Organisation Agreement (which states that service in the releasing Organisation will be counted as service in the receiving Organisation), the staff member's service with UNRWA should have been counted as service with the UN and that he thus met the service criterion for eligibility. UNAT upheld the appeal and remanded the case to the Administration to decide whether the staff member met the remaining criteria for conversion to a permanent appointment.

Decision Contested or Judgment/Order Appealed

UNDT Judgment: The Applicant contested the decision that he was not eligible for conversion to a permanent appointment. UNDT rejected the application, holding that his prior service with UNRWA did not qualify as service under the 100 series of the Staff Rules, as required by ST/SGB/2009/10.

Legal Principle(s)

A staff member's service with his/her previous entity must be counted in determining whether the eligibility requirement of five years of continuous service for conversion to permanent appointment is met, provided that he/she was transferred or seconded, under the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations Applying the United Nations Common System of Salaries and Allowances (Inter-Organization Agreement).

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

O'Hanlon

Entity

UNOV

Case Number(s)

2012-335

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Staff selection (non-selection/non-promotion)

Eligibility

Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/10

Staff Rules

- Rule 4.9(a)

Related Judgments and Orders

UNDT/2012/031