

2014-UNAT-463, Slade

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's appeal and noted that the letters of appointment issued to the Appellant for the period of 1 July 2009 through 30 June 2012 did not refer to either the Memorandum, that described the planned phasing-out of the PTA, or the PTA itself. UNAT also noted that the PTA is neither a benefit or entitlement under the Staff Regulations and Rules, which "embody the conditions of service and the basic rights and duties and obligations of United Nations staff members," nor an "administrative issuance in application of, and consistent with, the said Regulations and Rules." UNAT found that since neither the Memorandum nor the PTA were incorporated into the Appellant's terms and conditions of employment through the letters of appointment or the Staff Regulations and Rules, UNDT did not err in determining that discontinuance of the PTA did not breach the Appellant's employment contract. UNAT held that there was no merit in the Appellant's argument that she had a legitimate expectation to receive the PTA for the two contract years beginning 1 July 2011 and 1 July 2012. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to discontinue paying her the Personal Transitional Allowance (PTA). UNDT denied her application.

Legal Principle(s)

The letter of appointment issued to every staff member contains expressly, or by reference, all the terms and conditions of employment. All contractual entitlements of staff members are strictly limited to those contained expressly or by reference in their letters of appointment.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Slade

Entity

MONUSCO

Case Number(s)

2013-533

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Personal Transitional Allowance (PTA)

Applicable Law

Staff Rules

- Rule 4.1

Related Judgments and Orders

UNDT/2013/121

2011-UNAT-120

2010-UNAT-100

2012-UNAT-261

2010-UNAT-009

2014-UNAT-399

2012-UNAT-276