

# 2018-UNAT-841, Quijano-Evans et al.

## UNAT Held or UNDT Pronouncements

UNAT considered the Secretary-General's appeal and the staff members' cross-appeal. UNAT first considered the receivability of the appeal and held that the applications were receivable because the contested decision would have an adverse impact on the staff members. With respect to the merits of the appeal, UNAT noted that the salary entitlements of staff members are statutory in nature and may be unilaterally amended by the General Assembly. UNAT further noted that an individual loss caused by a unilateral variation of a validly concluded contract poses no legal obstacle to the exercise of regulatory power. With respect to the cross-appeal, UNAT held that UNDT did not err in finding that it lacked jurisdiction to examine whether the decision of the General Assembly to provide for the transitional allowance was illegal, discriminatory, and in violation of Article 8 of the Charter of the United Nations. UNAT noted that only appeals in relation to administrative decisions are receivable by UNDT. UNAT accordingly upheld the Secretary-General's appeal, vacated UNDT's judgment, and dismissed the cross-appeal.

## Decision Contested or Judgment/Order Appealed

The staff members contested the decision to reduce their contracted salaries and the manner of the implementation of the Unified Salary Scale. UNDT found that the unilateral reduction violated the staff members' acquired rights to receive the gross and net salaries set out in their letters of appointment. UNDT rescinded the contested decision.

## Legal Principle(s)

A decision must have direct adverse consequences in order to be an appealable administrative decision within the meaning of Article 2(1) of the UNDT Statute. Staff members do not have a right, acquired or otherwise, to the continued application of the Staff Regulations and Rules concerning the system of computation of their salaries in force at the time they accepted employment for the entirety of their service. UNDT may only receive appeals in relation to administrative decisions.

## Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Quijano-Evans et al.

Entity

N/A

Case Number(s)

2018-1149

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2018

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Salary

Salary scales

Applicable Law

Administrative Instructions

- ST/AI/2011/5

Staff Regulations

- Regulation 12.1

UN Charter

- Article 8

UNDT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2017/098