

2019-UNAT-897, Harris

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant failed to demonstrate any error in the finding by UNDT that he had failed to meet his burden of proving that the assignment to work in Sector East was motivated by improper consideration. UNAT held that UNDT properly considered the relevant facts and the applicable law in concluding that the Administration had followed the prescribed procedures and acted in accordance with the internal law of the Organisation in separating him for abandonment of post. UNAT held that the Appellant could not choose to ignore a lawful direction by the Administration to provide medical evidence or return to work simply by requesting special leave. UNAT held that there was no basis for awarding compensation. UNAT held that the three medical certificates the Appellant had attached to his appeal were inadmissible. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested his separation from service for abandonment of post. UNDT held that the decision to separate the Applicant for abandonment of post was lawful.

Legal Principle(s)

Traditionally, the reassignment of staff members' functions comes within the broad discretion of the Organisation to use its resources and personnel as it deems appropriate.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Harris

Entity

UNFIL

Case Number(s)

2018-1145

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Mar 2019

President Judge

Judge Lussick

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Evidence

Production of evidence

Separation from service
Abandonment of post

Applicable Law

Administrative Instructions

- ST/AI/400

UNAT Statute

- Article 2.5
- Article 8.3

Related Judgments and Orders

UNDT/2017/095/Corr.1