

2020-UNAT-1037, Yabowork

UNAT Held or UNDT Pronouncements

UNAT held that UNDT's language, which was strongly critical of the Appellant, was unwarranted. UNAT held that UNDT did not err in finding that the decision to discontinue the payment of her SPA was a legitimate exercise of the Administration's discretion, as the Appellant no longer met the requirements for it. UNAT held that the discontinuation of the SPA was justified in view of the Administration's obligation and right to correct such an erroneous situation. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Administration's decision to discontinue her Special Post Allowance (SPA), which had been paid in recognition of her performance at a higher level for approximately 6 years. UNDT found that the functions of team leader and/or delegated certifying officer did not represent the full functions of a P-2 level post but fell within the functions of the Applicant's G-7 post. UNDT held that the objective of the classification exercise recommended by the Management Evaluation Unit was not to place the Applicant at a higher-level post but to determine whether the duties and responsibilities assigned to her were commensurate to the staff member's post, which it did so determine. UNDT dismissed the case.

Legal Principle(s)

Special Post Allowance (SPA) is of a discretionary, temporary and exceptional nature.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Yabowork

Entity

ECA

Case Number(s)

2020-1353

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Special Post Allowance

Classification (post)

Applicable Law

Administrative Instructions

- ST/AI/1999/17

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1

Staff Rules

- Rule 3.10

UNAT RoP

- Article 31.1

UNAT Statute

- Article 9.1(b)

Related Judgments and Orders

UNDT/2019/163

2018-UNAT-863

2017-UNAT-739

2019-UNAT-950

2019-UNAT-934

2018-UNAT-849

2016-UNAT-635

2016-UNAT-636

2013-UNAT-367