

2020-UNAT-1038, Rixen

UNAT Held or UNDT Pronouncements

UNAT made no finding regarding whether the WMO JAB erred on its finding of receivability, given its decision to remand the matter to UNDT. UNAT held that the report of WMO JAB was not a decision resulting from a neutral first instance process and therefore could not be appealed to UNAT. UNAT held that such a case had to be remanded for proper consideration by a neutral process that produces a record of the proceedings and a written decision. UNAT noted that the case could not be remanded to WMO JAB, whose functions were removed by Agreement between the UN and WMO dated 20 January 2020. UNAT remanded the case to UNDT, under Article 2(10) of the UNAT Statute, as the neutral first instance process for WMO under the Agreement between the UN and WMO dated 20 January 2020.

Decision Contested or Judgment/Order Appealed

WMO decision: The Applicant contested the decision of the Secretary-General of the WMO to maintain the implementation of the ICSC decision with respect to the Geneva post-adjustment multiplier. The matter was considered by WMO's Joint Appeals Board (JAB).

Legal Principle(s)

A case requires proper consideration by a neutral first instance process that includes a written record and a written decision providing reasons, fact and law in order to be appealable to UNAT.

Outcome

Case remanded

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Rixen

Entity

WMO

Case Number(s)

2019-1326

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Salary

Salary scales

Applicable Law

Agreements, conventions, treaties (etc.)

- Agreement between the UN and WMO (18 July 2017)
- Agreement between the UN and WMO (20 January 2020)

UNAT Statute

- Article 2.10

WMO Staff Regulations and Rules

- Regulation 11.2
- Rule 1111.1
- Rule 1111.3(n)
- Rule 1111.3(o)
- Rule 1112.1

Related Judgments and Orders

2019-UNAT-952

2019-UNAT-957

2019-UNAT-958

2019-UNAT-949