

2020-UNAT-1039, Lynn

UNAT Held or UNDT Pronouncements

UNAT held that the report of the 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 must 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 the JAB, whose functions were removed by Agreement between the UN and the WMO, signed on 20 January 2020 and effective the same date. UNAT remanded the case to UNDT for adjudication as a result of said Agreement on the extension of the jurisdiction of UNDT and UNAT to the WMO.

Decision Contested or Judgment/Order Appealed

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

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

Lynn

Entity

WMO

Case Number(s)

2019-1325

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Subject matter (*ratione materiae*)

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 11.2

WMO Staff Regulations and Rules

- Rule 1111.3(n)

Related Judgments and Orders

2019-UNAT-952

2019-UNAT-957