

UNDT/2021/157, Weidmann

UNAT Held or UNDT Pronouncements

The Tribunal finds that the Applicant's motivations for accepting his appointment to the P-3 post have no bearing on the lawfulness of the decision. The Applicant was cautioned in advance of his right to apply for other vacant posts, and he voluntarily decided to apply for a lower-level post. The Applicant, upon selection for the P-3 level post, was cautioned that he would be appointed at the P-3 level regardless of the grade of the post he encumbered at the time. This course of action was open to the Organization under UNFPA's staffing policy. The Applicant then proceeded to accept this appointment under these conditions.

Decision Contested or Judgment/Order Appealed

The rejection of the Applicant's request to "maintain [his] personal P-4 grade following a restructuring exercise in [the Division of Human Resources ("DHR")] and the resulting downgrading of [his] personal grade from P-4 to P-3".

Legal Principle(s)

Outcome

Dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Weidmann

Entity

UNFPA

Case Number(s)

UNDT/NY/2021/11

Tribunal

UNDT

Registry

New York

Date of Judgement

21 Dec 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Alternative appointment

Staff selection (non-selection/non-promotion)

Applicable Law

Laws of other entities (rules, regulations etc.)