

UNDT/2022/120, Blythe

UNAT Held or UNDT Pronouncements

The application is partly non-receivable and, is rejected on the merits. The Applicant's objection to General Assembly's decision to restructure the D-1 level position and to submit the selection of the Secretary of the Board to a competitive process by the Succession Planning Committee is not reviewable by the Tribunal. The Tribunal found that the Applicant was afforded full and fair consideration and the non-selection decision was lawful. The Tribunal found that the USG/DMSPC lawfully assigned the Applicant to a suitable position in the Secretariat in order to retain his employment at the D-1 level position.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member in the Department of Management, Strategy, Policy and Compliance ("DMSPC"), appealed (a) the rejection of his candidature for the post of Secretary of the Board of the United Nations Joint Staff Fund ("the Pension Fund"), and (b) his subsequent reassignment to a temporary post in DMSPC.

Legal Principle(s)

Decisions of the General Assembly do not constitute reviewable administrative decisions. The Appeals Tribunal has held that "[t]he General Assembly is the ultimate decision-making organ in the Organization and its decisions are not subject to challenge in the internal justice system" (see Kagizi 2017-UNAT-750).

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Blythe

Entity

DM

Case Number(s)

UNDT/NY/2020/47

Tribunal

UNDT

Registry

New York

Date of Judgement

8 Nov 2022

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reassignment or transfer

Applicable Law

GA Resolutions

Staff Regulations

- Regulation 1.2(c)
- Regulation 4.2
- Regulation 4.4

Staff Rules

- Rule 11.2 (c)
- Rule 13.1
- Rule 13.1(d)
- Rule 9.6

UN Charter

- Article 101.3

UNDT Statute

- Article 11.2(c)
- Article 8.3

Related Judgments and Orders

2011-UNAT-110

2019-UNAT-932

2011-UNAT-122

2018-UNAT-829

2017-UNAT-750

UNDT/2020/032

2019-UNAT-930

2021-UNAT-1118

2017-UNAT-730