

2024-UNAT-1470, Nina Humackic

UNAT Held or UNDT Pronouncements

The UNAT held that the staff member had had ample opportunity to comment on her lateral transfer. The UNAT noted that she had been aware of the recommendation to separate her from her First Reporting Officer, against whom she had made a complaint of prohibited conduct, and had had the opportunity to voice her concerns and also had been informed of the reassignment decision nearly a month before she took up the new post.

The UNAT accepted that the responsibilities and job functions of the new post had been commensurate with the staff member's competence, skills, and experience. The UNAT found that there had been no increased risk to her future job security and that she had suffered no economic prejudice.

The UNAT concluded that the procedural requirements of the reassignment had been met.

The UNAT noted that the Administration had dedicated extensive time and human resources managing the conflict between the staff member and her First Reporting Officer over four years, including mediation efforts. The UNAT agreed with the UNDT that maintaining a harmonious work environment and the prevention of prohibited conduct was a valid operational reason for the reassignment. The UNAT held that the reassignment decision was fair and operationally in the best interest of her former unit.

The UNAT found no error in the UNDT's determination that there had been no evidence of an improper motive in the reassignment decision.

The UNAT dismissed the appeal and affirmed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

A staff member contested the decision to laterally transfer her from the position of Contracts Management Officer to the position of Procurement Officer.

In Judgment No. UNDT/2023/041, the UNDT dismissed the application.

The staff member appealed.

Legal Principle(s)

There is no procedural requirement that the staff member consent to the reassignment.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Nina Humackic

Entity

UNIFIL

Case Number(s)

2023-1824

Tribunal

UNAT
Registry
New York
Date of Judgement
13 Aug 2024
President Judge
Judge Sandhu
Judge Forbang
Judge Ziadé
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Discretion
Reassignment or transfer
Applicable Law
Secretary-General's bulletins

- ST/SGB/2019/8

Staff Regulations

- Regulation 1.2(c)

Related Judgments and Orders
UNDT/2023/041
2022-UNAT-1223