

# **UNDT/2024/096, Stepanova**

## **UNAT Held or UNDT Pronouncements**

The Tribunal established that the Applicant was duly informed, before accepting the offer letter, of the mandatory nature of the condition of mobility in her proposed employment. However, even if mandatory mobility had not been so explicit in the pre-appointment documents, the regulatory framework stipulates at staff rule 4.1 that it is the letter of appointment (LOA) that contains expressly or by reference the terms and conditions of employment.

Therefore, when the Applicant signed her LOA on 3 October 2023, duly accepting all the terms and conditions of her employment, including the required mandatory movement, she was bound by the Mobility Administrative Instruction (Mobility AI) that set the conditions for that mandatory movement.

The Tribunal thus concluded that, in all circumstances, the Applicant had failed to establish that there was any unlawful factor in the inclusion of the Mobility AI in her terms and conditions of employment.

Accordingly, the Tribunal decided to deny the application in its entirety.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested a decision to subject her to the mobility policy on grounds that she had a contractual right to its non-application.

## **Legal Principle(s)**

Pursuant to the settled jurisprudence of the Tribunal, the legal act by which the Organization undertakes to employ a person as a staff member, is not the offer letter, but a letter of appointment signed by the Secretary-General or an official acting on his behalf. It is the letter of appointment and not the offer letter accepted

by a staff member that officially sets the terms and conditions of employment.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Stepanova

## Entity

UNOCT

## Case Number(s)

UNDT/GVA/2024/010

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

12 Nov 2024

## Duty Judge

Judge Honeywell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

## Applicable Law

Administrative Instructions

- ST/AI/2023/3 on Mobility

Staff Regulations

- Regulation 1.2(c)

Staff Rules

- Rule 4.1
- Rule 4.2

## Related Judgments and Orders

2014-UNAT-473

2015-UNAT-526

2015-UNAT-555

2010-UNAT-029

UNDT/2013/118

2017-UNAT-762

2018-UNAT-840

2011-UNAT-120

2011-UNAT-122

2010-UNAT-084