UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2016-UNAT-647

Nielsen

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

JUDGMENT

Before:	Judge Mary Faherty, Presiding Judge Deborah Thomas-Felix Judge Richard Lussick
Case No.:	2015-735
Date:	24 March 2016
Registrar:	Weicheng Lin

Counsel for Ms. Nielsen:	Self-represented
Counsel for Secretary-General:	Zarqaa Chohan

JUDGE MARY FAHERTY, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Ms. Olga Nielsen against Judgment No. UNDT/2015/060 and UNDT Order No. 133 (GVA/2015), both rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva on 29 June 2015 in the case of *Nielsen v. Secretary-General of the United Nations*. Ms. Nielsen filed her appeal on 6 July 2015, and the Secretary-General filed his answer on 8 September 2015.

Facts and Procedure

2. The facts as found by the Dispute Tribunal read as follows:[1]

> ... On 28 January 2013, the Applicant entered the service of [the United Nations Population Fund (UNFPA)] in the Africa team, [Procurement Services Branch (PSB) based in Copenhagen], on a one-year temporary appointment ("TA"). Effective 23 September 2013, she was placed on Special Leave with Full Pay ("SLWFP"), and was separated from UNFPA upon the expiration of her TA on 26 January 2014.[2]
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> ... On 7 August 2013, the Applicant sent an email with the subject "report on unethical behaviour of [Mrs. X.]"[3] to the newly appointed Human Resources Associate of UNFPA Copenhagen, copying her supervisors at PSB.
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> ... On 5 June 2014, [after she had separated from the Organization], the Applicant sent an email to the Head, Office of Audit and Investigations Services ("OAIS", formerly the Division of Oversight Service ("DOS")), UNFPA, complaining about alleged harassment against her and unethical behaviour by Mrs. X., and asking for an investigation into her complaint.
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> ... By email of 23 July 2014, the Applicant addressed to an Investigations Analyst, OAIS, a complaint against Mrs. X. alleging harassment.
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> ... In a phone conversation with OAIS on 10 September 2014, confirmed by email of 16 September 2014, the Applicant was notified that OAIS would not be triggering an investigation into her "complaints of harassment, bullying and abuse of authority against 12 staff members at PSB", since OAIS had "concluded its preliminary

[1] Impugned Judgment, paras. 2-12.

[2] Ms. Nielsen subsequently challenged her placement on SLWFP before the UNDT in Case No. UNDT/GVA/2014/009, a separate matter. On 9 December 2014, the UNDT handed down its judgment in that matter which found in favour of Ms. Nielsen, and ordered the rescission of the September 2013 decision to place Ms. Nielsen on SLWFP, and payment of USD 1,000 for moral damage. That Judgment was not appealed. See *Nielsen v. Secretary-General of the United Nations*, Judgment No. UNDT/2014/139.

[3] The UNDT used Mrs. X. as pseudonym for one of Ms. Nielsen's colleagues, a Procurement Officer in PSB.

> review of the matter and [had] found that a full investigation [was] not warranted", therefore considering the matter "closed".
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> ... By email of 20 September 2014, the Applicant submitted a request for management evaluation against OAIS decision not to trigger an investigation into Mrs. X.'s behaviour. She also requested management evaluation on 26 October 2014 with respect to the behaviour of Mr. Y. She received a reply covering her two requests on 31 October 2014 from the Executive Director, UNFPA, by which she was notified that OAIS decisions were "outside the scope of review by UNFPA management".
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> ... The Applicant filed her application with the [Dispute] Tribunal on 16 December 2014 [contesting UNFPA's inaction on her complaints of misconduct against Mrs. X, entailing "harassment and undermining [her]", as well as against Mr. Y], and the Respondent submitted his reply on 21 January 2015 [contesting, inter alia, the receivability of Ms. Nielsen's challenge to OAIS' decision vis-à-vis Mr. Y].
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> ... On 12 February 2015, the Applicant filed a motion requesting the [Dispute] Tribunal to hear the witness testimony of Mrs. X. She reiterated her request in another motion filed on 1 March 2015, in which she also requested the [Dispute] Tribunal to grant her compensation for the job loss she was suffering since the end of her employment with UNFPA.
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> ... By motion of 4 March 2015, she submitted a list of additional questions for Mrs. X. to answer. On 5 March 2015, the Respondent replied to the Applicant's motion of 1 March 2015, and on 6 March 2015, the Applicant filed a motion asking for leave to file documents relating to the rebuttal of her performance evaluation, and to comment on the Respondent's submission of 5 March 2015.
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> ... By Order No. 123 (GVA/2015) of 18 June 2015, the [Dispute] Tribunal requested the Respondent to file additional documentation with regard to the complaints filed [with] OAIS by the Applicant, which he did on 25 June 2015.

3. On 29 June 2015, by way of Order No. 133 (GVA/2015), the Dispute Tribunal informed the parties that the case would be decided on the papers, without further hearings or submissions.

4. On the same day, 29 June 2015, the Dispute Tribunal rendered the Judgment now under appeal, Judgment No. UNDT/2015/060. First, the UNDT found that Ms. Nielsen's challenge to OAIS' decision vis-à-vis Mr. Y. was not receivable, since no complaint was ever received by OAIS with respect to Mr. Y. and thus no contestable administrative decision was taken in this regard. Regarding the merits of Ms. Nielsen's challenge to OAIS' decision vis-à-vis Mrs. X., the UNDT noted that Ms. Nielsen's complaint of 5 June 2014 to OAIS was sent more than six months after she had transferred teams, such that she no longer worked

with Mrs. X., and after she had been placed on SLWFP in September 2013. Consequently, her complaint with OAIS was filed more than six months after the date of the "last incident of [h]arassment" of which she complained, and thus did not respect the time limit set forth in section 9.3.1 of UNFPA's Policy on Harassment, Sexual Harassment and Abuse of Authority (2013 UNFPA Policy). The Dispute Tribunal thus concluded that Ms. Nielsen's complaints were not receivable by OAIS, and that OAIS' refusal to conduct an investigation into these complaints did not breach any of Ms. Nielsen's rights. Accordingly, the UNDT rejected Ms. Nielsen's application.

5. On the same day, 29 June 2015, the UNDT also issued three other judgments in Ms. Nielsen's cases, dismissing her respective challenges to UNFPA's decisions not to review her misconduct complaints against her various PSB colleagues.[4] The Judgments are the subject of appeals by Ms. Nielsen in Case Nos. 2015-736, 2015-737 and 2015-738, which have also been considered at the Appeals Tribunal's 2016 spring session.

6. On 6 July 2015, Ms. Nielsen filed her appeal against the UNDT Judgment and Order No. 133 (GVA/2015), and the Secretary-General filed his answer on 8 September 2015.

7. On 11 September 2015, Ms. Nielsen filed a motion "to request UNAT to extend [her] rights as a staff member or to admit that they were extended by the [Executive Director, UNFPA]". On 14 September 2015, Ms. Nielsen filed another motion requesting the Appeals Tribunal, should it reject her case, to "at least remove the immunity from the involved staff members", so that she may bring her discrimination and harassment complaints against the concerned staff members in the Danish courts.[5]

8. On 29 September 2015, the Secretary-General filed his observations in relation to both motions, requesting that the Appeals Tribunal reject both of them.[6]

9. On 5 October 2015, the Appeals Tribunal Registry informed the parties that the motions would be considered at the time of the Judges' deliberations on the present case.

[4] Judgment No. UNDT/2015/061; Judgment No. UNDT/2015/062; and Judgment No. UNDT/2015/063.
[5] Ms. Nielsen filed the same motion in her three other current appeals, registered as Case Nos. 2015-736, 2015-737 and 2015-738.
[6] The Secretary-General filed the same observations in Case Nos. 2015-736, 2015-737 and 2015-738.

Submissions

Ms. Nielsen's Appeal

10. Ms. Nielsen submits that the Appeals Tribunal should not use the fact that she does not have a legal background as an excuse or justification to reject her appeal.

11. Ms. Nielsen contends that the Dispute Tribunal erred in fact or exceeded its jurisdiction by not asking her directly when she complained to OAIS for the first time. Had the UNDT asked, she would have informed it that she first contacted OAIS in July 2013 to complain about the behaviour of her PSB colleagues, as Annex 19 to her appeal proves. Thus, her later complaints to OAIS were a continuation of her earlier complaints, yet OAIS refused to look further into her situation.

12. The UNDT exceeded its jurisdiction by closing her cases without holding an oral hearing, which is her right. The UNDT also erred in fact insofar as it did not correctly or completely set out the facts of her case in its Judgment. For instance, the UNDT exceeded its jurisdiction by not mentioning in its Judgment that she had presented extensive evidence in support of her complaints. In addition, the UNDT failed to offer an opinion on the behaviour of the staff members involved.

13. Ms. Nielsen alleges that the UNDT was biased against her and "overly loyal" to UNFPA, as is evidenced by its hastiness in issuing judgments in her series of cases, its incomplete presentation of the "facts" which downplayed her "good sides", the fact that it expended significant effort to reject her applications in order to avoid reviewing her case, as well as its continuous siding with UNFPA.

14. Ms. Nielsen advises the Appeals Tribunal that she "wasn't really understanding that deadline of 6 months of complaining to OAIS in the meaning that it doesn't matter if [she] was aware about the event or not".

15. Ms. Nielsen otherwise makes factual submissions concerning, among other things: the harassment she experienced from Mrs. X. and Mr. Y. and its impact upon her rebuttal of her Performance Appraisal and Development Report (PAD); her harassment by UNFPA's Legal Office; OAIS' failure to take required actions or admit wrongdoing; OAIS' failure to admit misconduct toward her including harassment, discrimination and racism; failure of the UNFPA

management to provide her with a corrected PAD or respond to her queries regarding the tax implication of the damages previously awarded to her by the UNDT and the UNDT's failure to mention this in the Judgment; failure by UNFPA's Executive Director to review the behaviour of the involved PSB staff members despite her 27 requests for management evaluation; her unlawful placement on SLWFP; and her mistreatment by her PSB colleagues and UNFPA management.

16. Ms. Nielsen requests the Appeals Tribunal to: amend the UNDT Judgment so it states that her placement on SLWFP was unlawful; state that 95 to 98 per cent of her performance evaluations were corrected to accurately reflect her competencies and good work; deliver an opinion on the behaviour of her individual colleagues and refer them either to a psychologist or a coach for evaluation and possible coaching; state the full names of Mrs. X and Mr. Y in this Judgment; ensure that her case is not returned to the UNDT in Geneva or to Judge Laker, as he always "keeps [the] side of UNFPA", should it be remanded; and grant her compensation for her "painful experience".

The Secretary-General's Answer

17. The UNDT correctly concluded that Ms. Nielsen's complaints to OAIS were not receivable. The UNDT determined that Ms. Nielsen's complaint concerning Mrs. X was not receivable, as it was filed after the six-month time limit contained in the 2013 UNFPA Policy and was thus untimely. And regarding Mr. Y., the UNDT correctly determined that there was "no contestable administrative decision ever taken", as no complaint had been received by OAIS.

18. The UNDT correctly determined that OAIS' refusal to conduct an investigation into Ms. Nielsen's complaints against Mrs. X. and Mr. Y. did not result in a breach of Ms. Nielsen's rights. The UNDT properly examined the UNFPA regulatory framework regarding misconduct, and reviewed whether OAIS had properly followed the correct procedures. The UNDT's examination did not reveal any discrepancies. As OAIS is not obligated to open a full investigation into every complaint received, it was open to OAIS to determine that there was no need to open an investigation in Ms. Nielsen's case, and, by corollary, the UNDT was correct to find that OAIS had acted in accordance with the 2013 UNFPA Policy and her rights were not breached.

19. Ms. Nielsen has not established any errors warranting a reversal of the UNDT Judgment or Order. Her appeal merely reargues and repeats matters raised before the UNDT, without identifying any errors in the UNDT Judgment. Further, Ms. Nielsen's complaints about the UNDT Judge only evidence her dissatisfaction with that Judge's findings and conclusions. Ms. Nielsen also raises multiple issues which extend well beyond the scope of the present appeal, and which the Appeals Tribunal should dismiss as irrelevant.

20. The Appeals Tribunal should also disregard Annex 19 to Ms. Nielsen's appeal as it was not produced before the UNDT. Further, Annex 19, which Ms. Nielsen has filed in multiple cases, relates to an allegation she made in July 2013 through the Investigations Hotline regarding "work problems" which were unrelated to the various formal allegations she brought in 2014. The fact that Ms. Nielsen had been in contact with OAIS in July 2013 is not in itself sufficient for her subsequent harassment complaint to be considered receivable by OAIS.

21. Ms. Nielsen's appeal of Order No. 133 (GVA/2015) is also without merit, as it falls within the UNDT's discretion to decide whether to hold an oral hearing. Consequently, the UNDT acted within its discretion in declining to hold an oral hearing in Ms. Nielsen's cases.

22. The Secretary-General requests that the Appeals Tribunal affirm the Judgment and dismiss the appeal in its entirety.

Considerations

Preliminary issue-request for oral hearing

23. Ms. Nielsen has requested an oral hearing. The Tribunal does not find that an oral hearing is necessary or would assist in the expeditious and fair disposal of the case within the meaning of Article 18(1) of the Appeals Tribunal's Rules of Procedure. Accordingly, the request is denied.

Ms. Nielsen's motions

24. On 11 September 2015, Ms. Nielsen filed a motion "to request [the Appeals Tribunal] to extend [her] rights as a staff member or to admit that they were extended by the [Executive Director, UNFPA]". On 14 September 2015, Ms. Nielsen filed another motion requesting the Appeals Tribunal, should it reject her case, to "at least remove the immunity

from the involved staff members" so that she may bring her discrimination and harassment complaint against the concerned staff members in the Danish Courts.

25. On 29 September 2015, the Secretary-General filed his observations in relation to both motions requesting that they be rejected. He argues that Ms. Nielsen has failed to provide any exceptional circumstances justifying additional pleadings and that she simply reiterates arguments already set out in her appeal submissions. He further submits that the relief sought by Ms. Nielsen by way of removing the immunity of staff members is outside the remit of the Appeals Tribunal.

26. With regards to the motion to extend Ms. Nielsen's rights as a staff member, the Appeals Tribunal has concluded that there are no exceptional circumstances which would warrant the granting of the motion. We take the view that the thrust of the motion, in so far as the matters contained therein are relevant to the issues in this appeal, is essentially an attempt by Ms. Nielsen to supplement arguments already made in the course of her appeal submissions.

27. Furthermore, her motion to have the Appeals Tribunal remove immunity from certain staff members should her appeal fail is entirely misconceived as such a request is entirely outside of the mandate of the Appeals Tribunal.

28. Accordingly, both motions are denied.

Ms. Nielsen's appeal of UNDT Order No. 133 (GVA/2015)

29. In the context of reviewing four applications filed by Ms. Nielsen, including the application which is the subject matter of the present appeal, the Dispute Tribunal by Order No. 133 (GVA/2015) determined that as "all relevant facts transpire from the documents on the files and only legal questions have to be assessed ... these cases may be decided on the papers, without further hearings or submissions from the parties".[7]

30. Ms. Nielsen complains that the Dispute Tribunal exceeded its jurisdiction in disposing of her application without embarking on an oral hearing.

[7] *Nielsen v. Secretary-General of the United Nations*, Order No. 133 (GVA/2015), para. 6.

31. Pursuant to Article 16(1) of the Dispute Tribunal's Rules of Procedure, it is for the judge hearing the case to decide whether an oral hearing is to be held. The Appeals Tribunal has consistently held that the Dispute Tribunal is afforded wide discretion in matters of case management and the Appeals Tribunal will not lightly interfere in such matters.[8] In the present case, we are not satisfied that Ms. Nielsen has advanced compelling grounds to persuade us that the Dispute Tribunal exceeded its jurisdiction in restricting its judicial review to a papers only assessment. Accordingly, her appeal against UNDT Order No. 133 (GVA/2015) is dismissed.

Ms. Nielsen's appeal of Judgment No. UNDT/2015/060

32. The decision which Ms. Nielsen contested before the Dispute Tribunal was the decision of OAIS not to trigger an investigation into her complaints against work colleagues, namely Mrs. X. and Mr. Y.

33. From its assessment of the case file, the Dispute Tribunal concluded that Ms. Nielsen never filed a formal complaint with OAIS regarding Mr. Y. The Dispute Tribunal thus concluded that there was no contestable decision taken by OAIS regarding Mr. Y. and, accordingly, Ms. Nielsen's challenge regarding Mr. Y. was not a receivable matter for the UNDT. We find nothing in the appeal submissions to persuade us that the Dispute Tribunal erred in so concluding and accordingly, the Dispute Tribunal's finding on the non-receivability of the complaint regarding Mr. Y. is upheld.

34. The Dispute Tribunal determined that Ms. Nielsen's application insofar as it related to the decision of OAIS with regard to Mrs. X. was receivable by the Dispute Tribunal in that it was satisfied that the OAIS decision under challenge related to Mrs. X. and that Ms. Nielsen had observed the requisite procedural step of seeking timely management evaluation of the contested decision.

35. The UNDT next considered the "timeliness" of Ms. Nielsen's complaint regarding Mrs. X. to OAIS. The face of the Judgment shows that the Dispute Tribunal determined that Ms. Nielsen's complaint was not receivable by OAIS on the basis that her complaints were filed outside of the six-month time limit provided for in the 2013 UNFPA Policy. The Dispute Tribunal determined

[8] *Staedtler v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-546, para. 35, citing *Bertucci v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-62, para. 23.

that time started to run against Ms. Nielsen as of 23 September 2013, that being the date, at the very latest, on which Ms. Nielsen had interaction with her work colleagues, including Mrs. X.

36. Accordingly, the Dispute Tribunal concluded that OAIS' refusal to conduct an investigation into Ms. Nielsen's complaint did not result in a breach of any of her rights.

37. As the record demonstrates, on 16 September 2014, OAIS communicated with Ms. Nielsen in the following terms:

> In reference to your complaints of harassment, bullying and abuse of authority against 12 staff members at PSB, UNFPA Copenhagen, I am writing to inform you that OAIS has concluded its preliminary review of the matter and has found that a full investigation is not warranted and therefore considers the matter closed.

38. In his reply to Ms. Nielsen's application to the Dispute Tribunal, the Secretary-General asserted, *inter alia*, as follows:[9]

> ... In particular, OAIS determined that the incidents described by the Applicant in her complaints for harassment, bullying and abuse of authority against [Mrs. X.] were related to interpersonal relationships amongst colleagues involving criticism and disagreements. On this basis, OAIS concluded that those incidents did not fall into the scope of prohibited conduct and did not meet a *prima facie* reasonable threshold level of misconduct. Therefore, the incidents fell outside the OAIS mandate in accordance with the Harassment, Sexual Harassment and Abuse of Authority Policy.
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> ... In addition, OAIS determined that the Applicant's complaints against [Mrs. X.] were time[-]barred according to Article 9.3.1 of the Harassment, Sexual Harassment and Abuse of Authority Policy, as the complaints referred to incidents that occurred prior to 22 September 2013 as confirmed by the Applicant in a phone call with OAIS.
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> ... Therefore, following a preliminary review, OAIS concluded that a full investigation was not warranted on the basis of the documentation received and in light of the requirements of the Harassment, Sexual Harassment and Abuse of Authority Policy.
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> ... On 10 September 2014, OAIS informed the Applicant, via phone, that her case would be submitted to the Director of OAIS for a final decision. [O]n the same occasion, OAIS informed the Applicant that the case will be referred to the Director of OAIS for closure, on the basis of the reasons indicated above. The case was subsequently reviewed and formally closed by the Director[,] OAIS. The Applicant

[9] Respondent's Reply, paras. 31-38.

> was informed of that decision via email on 16 September 2014 ... according to the requirements of the Harassment, Sexual Harassment and Abuse of Authority Policy.
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> ... The OAIS decision was then memorialized in an internal document - "Closure Note" - reporting conclusions reached by OAIS. The Respondent stands ready to disclose that document should the Tribunal deem its disclosure critical for the assessment of [the] case.
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> ... It is clear that the procedure followed by O[AI]S in order to reach its final decision was based on the analysis of the documents submitted by the Applicant at the time of the submission of her complaints and in compliance with the requirements of the Harassment, Sexual Harassment and Abuse of Authority Policy.
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> ... The contested decision was not substantively and procedurally irregular; the Applicant was afforded due process and was consulted for clarifications by O[AI]S during the preliminary review of her complaints; the complaints were duly reviewed and given the necessary attention by OAIS, that, under the Harassment, Sexual Harassment and Abuse of Authority Policy, was under no obligation to open a full investigation on the matter.
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> ... In conclusion, the decision not to conduct a full investigation on the complaints of the Applicant against [Mrs. X.] was in accordance with OAIS administrative guidelines, it was taken in the legitimate exercise of OAIS discretion and was in compliance with the Harassment, Sexual Harassment and Abuse of Authority Policy.

39. Save for brief extracts from the reply which are set out in the UNDT Judgment under the heading "The Respondent's principal contentions", the Dispute Tribunal does not otherwise make reference to the "Closure Note", which apparently records the investigation and conclusions reached by OAIS in the course of its preliminary review with regard to the complaints against Mrs. X.

40. It appears to be the case that the offer made by the Respondent to disclose the document was not taken up by the UNDT. It is the view of the Appeals Tribunal, given that the decision being challenged by Ms. Nielsen was the decision of the OAIS not to launch a full investigation into the complaint, that the most prudent course of action for the Dispute Tribunal for the purpose of discharging its statutory function of judicial review of that decision would have been to require disclosure of OAIS' written record. Absent any indication on the face of the Judgment that the written record of OAIS' preliminary investigation and conclusions was considered by the Dispute Tribunal, even if only on an *ex parte* basis, the Appeals Tribunal cannot be satisfied that there was sufficient judicial

scrutiny of the basis upon which OAIS saw fit to respond to Ms. Nielsen in the terms in which it did on 16 September 2014.

41. In effect, the Dispute Tribunal's Judgment reads as a first instance assessment of the receivability of Ms. Nielsen's allegations of harassment when the proper function of the UNDT is to judicially review the decision of OAIS which is the body mandated under the 2013 UNFPA Policy to conduct such an assessment, particularly in circumstances where there was a written record capable of being disclosed to the UNDT. Thus, we are not satisfied that the conclusions reached by the Dispute Tribunal have a proper legal basis in the absence of the aforesaid documentary record. A perusal of the OAIS written record was the appropriate starting point from which the UNDT should have commenced its legal and factual review to determine whether OAIS' conclusion not to trigger an investigation had a proper legal basis. Accordingly, we cannot be satisfied that the UNDT Judgment accords with Article 11(1) of the UNDT Statute. For the foregoing reason, we will remand the matter to the Dispute Tribunal so that the application may be considered with the benefit of the OAIS record. We leave it to the discretion of the Dispute Tribunal as to how it wishes to access the relevant information.

42. Ms. Nielsen requests that the Appeals Tribunal remove the anonymity which the Dispute Tribunal saw fit to give the two staff members who were the subject of Judgment No. UNDT/2015/060. This request is declined. We are of the view that it was within the discretion of the UNDT to decide to refer to individuals who are not parties to the proceedings in the terms in which it did. We will not interfere with the UNDT's exercise of its discretion in this regard. In this Judgment, we decide to follow the UNDT's practice in respect of Mrs. X. and Mr. Y.

43. In her appeal, Ms. Nielsen raises a myriad of other matters which, in the view of the Appeals Tribunal, do not have any bearing on Judgment No. UNDT/2015/060. Accordingly, we do not propose to address such matters in the course of this Judgment save to reject such pleas.

44. Pursuant to Article 2(1) of the Appeals Tribunal Statute, our appellate function is to ascertain whether it has been established that the Dispute Tribunal:

(a) Exceeded its jurisdiction or competence;

(b) Failed to exercise jurisdiction vested in it;

(c) Erred on a question of law;

(d) Committed an error in procedure, such as to affect the decision of the case; or

(e) Erred on a question of fact, resulting in a manifestly unreasonable decision.

45. Save for the procedural deficiency the Appeals Tribunal has identified in relation to the failure of the UNDT to procure the written record of OAIS' preliminary review of Ms. Nielsen's complaint against Mrs. X., none of the arguments put forward by Ms. Nielsen satisfies the requirements of Article 2(1) of the Appeals Tribunal Statute.

Judgment

46. The appeal succeeds in part. We hereby vacate the UNDT Judgment insofar as it rejected Ms. Nielsen's application relating to Mrs. X. and remand that issue to the Dispute Tribunal for reconsideration. The remainder of the Judgment is affirmed.

Original and Authoritative Version: English

Dated this 24th day of March 2016 in New York, United States.

(Signed)	*(Signed)*	*(Signed)*
Judge Faherty, Presiding	Judge Thomas-Felix	Judge Lussick

Entered in the Register on this 24th day of May 2016 in New York, United States.

(Signed)

Weicheng Lin, Registrar