



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1420

Tsetargachew Zewdie Kebede

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 399 (2021)

1. Mr. Tsetargachew Zewdie Kebede is a staff member of the United Nations Economic Commission for Africa (ECA).
2. On 29 July 2017, the Applicant requested compensation for the extra financial duties and tasks he claimed to have carried out from October 2007 to February 2017 because he alleged they exceeded the scope of his functions as a Team Assistant at the G-4 level. He also made claims for half-pay during his annual leave, as he had to work from home during that period, and compensation for moral damages suffered due to alleged unwarranted e-mails. Finally, he requested a transfer to another division or section within ECA.
3. On 11 December 2017, the Office of the Staff Union informed him that it was unable to accommodate his requests except for the potential transfer. In addition, the Staff Union referred him to human resources.
4. On 21 August 2019, the Chief of the Human Resource Services Section (HRSS) responded to the Appellant, informing him that his case had been discussed in detail, that he had been provided responses by his supervisors regarding his grievances and that there was nothing further to add.

5. On 20 December 2019, Mr. Kebede filed an application with the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) contesting the decision of 21 August 2019 of ECA not to intervene in his case for compensation for additional tasks undertaken as part of his functions as Team Assistant of the Office of the Staff Union. In Judgment No. UNDT/2020/078 of 28 May 2020, the Dispute Tribunal concluded that the application for compensation and transfer from the Office of the Staff Union failed for being internal affairs of the Staff Union. The UNDT held that it had no jurisdiction over the application and rejected it.

6. On 21 July 2020, Mr. Kebede filed an appeal with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) and on 28 September 2020, the Secretary-General filed his answer.

7. According to Article 2(5) of the Appeals Tribunal Statute, the Appeals Tribunal shall not remand the case to the Dispute Tribunal if a decision can be taken without oral testimony or other forms of non-written evidence. In the present case, we are of the view that it is in the interests of justice and the expeditious resolution of the proceedings to request additional evidence. Therefore, we order the Respondent to provide the following submission and documentary evidence:

- a) a submission setting out the situation, legal status and conditions of service of United Nations staff members working for the Staff Union, including the legal or administrative basis for this arrangement and a copy of any form of written agreement if it exists;
- b) a submission confirming which entity pays the salary of Mr. Kebede, including which entity processes his monthly pay slips; and
- c) a copy of Mr. Kebede's pay slip or salary statement from February 2017.

IT IS HEREBY ORDERED that the Secretary-General submit a submission and documentary evidence as set out under paragraph 7 above by 22 February 2021.

Original and Authoritative Version: English

Dated this 12th day of February 2021
in Hamburg, Germany.

(Signed)
Judge Sabine Knierim,
Presiding

Entered in the Register on this 12th day
of February 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar