



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/088

Judgment No.: UNDT/2010/160

Date: 9 September 2010

Original: English

Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Michelsen, Officer-in-Charge

BALDINI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

Bart Willemsen, Office of Staff Legal Assistance

Counsel for respondent:

Stephen Margetts, ALS/OHRM, UN Secretariat

Introduction

1. On 26 August 2010 the applicant filed an application contesting a decision that she was not entitled to an assignment and relocation grant upon her recruitment to the New York office of the Office of Internal Oversight Services (OIOS) in 2009. She seeks the Tribunal to order payment of the applicable amounts retroactively, contending that the decision that she was not entitled to an assignment grant, albeit taken in good faith, was unlawful.

Facts

2. The applicant entered into service of the United Nations Organisation on 31 January 2004 with the Office of the Prosecutor at the International Criminal Tribunal for Rwanda as a Senior Prosecutor. On 4 April 2005 she joined the United Nations Mission in Kosovo (UNMIK) as an International Prosecutor.

3. On 7 January 2009 the applicant received a conditional offer of appointment for the post of senior investigator at the P-5 level with OIOS in New York. The applicant agreed to a separation from UNMIK effective 28 February 2009 as a result of a downsizing exercise. On 19 March 2009 the applicant subsequently received an unconditional offer of appointment and travelled to New York on 22 March 2009 courtesy of UNMIK, having been paid a relocation grant of US\$1200, also by UNMIK. She entered into service at OIOS in New York on 4 May 2009.

4. In response to a query the applicant was advised on 29 April 2010 that she was not entitled to the benefits and entitlements applicable to an international recruit, as she had been locally recruited when she entered into service in New York. She sought management evaluation of this decision on 29 April 2010 and received an unfavorable response from the Management Evaluation Unit on 28 May 2010.

5. The applicant thereafter submitted an application to the UN Dispute Tribunal on 26 August 2010 contending that the Administration failed to consider that she had been reassigned and reappointed from UNMIK to OIOS and thus erroneously failed

to conclude that she should have been entitled to a reassignment and full relocation grant.

6. On 1 September 2010 the applicant filed a Notice of Withdrawal stating that “subsequent to the filing of the application further communications with the relevant offices adequately clarified the issue(s) the basis of same application, Applicant notifies the Tribunal that she does not further pursue her claim and accordingly withdraws the application registered with the tribunal as UNDT/NY/2010/088”. The respondent received the Notice of Withdrawal at the same time as the Tribunal.

7. The respondent has not made any submission in response to the applicant’s Notice of Withdrawal, and the Tribunal concludes that there is no objection to same..

Conclusion

8. This application having been withdrawn, there is no longer any matter for adjudication by the Dispute Tribunal and the case is closed.

(Signed)

Judge Ebrahim-Carstens

Dated this 9th day of September 2010

Entered in the Register on this 9th day of September 2010

(Signed)

Morten Michelsen, Officer-in-Charge, UNDT, New York Registry