



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

BENCHE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Mohamed Abdou, OSLA

Counsel for Respondent:
Matthias Schuster, UNICEF

Introduction

1. The Applicant, a Procurement Assistant at the GS-5 level with the United Nations Children's Fund (“UNICEF”) in Copenhagen, Denmark, contests the decision of 15 November 2017 to recover overpayment of entitlements resulted from an administrative error which occurred in March 2011. The case was initially filed with the Geneva Registry.

2. On 16 November 2018, the case was transferred to the New York Registry, and on 31 March 2020, it was assigned to the undersigned Judge.

Consideration

3. Having reviewed the parties’ submissions, the Tribunal notes that it is undisputed that the Applicant joined UNICEF on 22 February 2010 as a Procurement Assistant at the GS-5 level, step 2 on a temporary appointment and was separated from UNICEF on 30 October 2010. It is also undisputed that on 1 November 2010, the Applicant was re-appointed as a Procurement Assistant at the GS-5 level, step 2 on a fixed-term appointment and that she received a within-grade step increment (i.e. step increase from GS-5, step 2 to GS-5 step 3) in March 2011.

4. The Respondent submits that the within-grade step increment is governed by staff rules 3.3 and 3.4 applicable at the time and that the recovery of overpayment was made in accordance with CF/AI/2009-002. The Tribunal does not find a copy of CF/AI/2009-002 in the case file.

5. The Tribunal also notes that as a result of the contested decision, the gross amount of DKK18,448.84 was recovered. The Respondent submits that this amount represents the amount overpaid two years prior to the Administration notifying the Applicant of the error, but there is no detailed explanation for the calculation of this amount.

6. In light of the above,

IT IS ORDERED THAT:

7. By **4:00 p.m. on Thursday, 21 May 2020**, the Respondent shall submit a copy of CF/AI/2009-002 and detailed explanation for the calculation of the recovered amount.
8. Thereafter, the Tribunal will decide the case based on the papers before it.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 18th day of May 2020