
UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NY/2018/089

Judgment No.: UNDT/2019/096

Date:

11. In August 2013, there were further email exchanges between the Applicant and a Chief Civilian Personnel Officer of MINUSTAH in which it was reiterated that the Applicant was officially separated with effect from 4 December 2012.

12. On 4 and 7 December 2015, in response to the Applicant's emails, a Chief Human Resources Officer from MINUSTAH again reiterated that the Applicant was separated from service on 4 December 2012 for abandonment of post and that the decision was communicated to the same email address that she was using in the exchanges.

13. In the course of

17. The Applicant filed this application on 31 December 2018 to contest the decision to separate her for abandonment of post that took effect on 4 December 2012. The Applicant alleges that she only received paperwork pertaining to her separat

limits, lies with the Office of Human Resources Management [“OHRM”].

Abandonment of post following annual or special leave

15. Where a staff member has been absent from duty on approved annual or special leave and has failed to report for duty on the expiration of the approved period of leave the supervisor shall report the matter to the executive or administrative officer, who will attempt to communicate with the staff member as in paragraph 9 above. If the staff member fails to report for duty by the end of the approved period and does not furnish a plausible explanation within 10 working days, the matter shall be referred to the Office of Human Resources Management for cases at Headquarters, or the head of office at duty stations away from Headquarters, whereupon the personnel officer or administrative officer concerned will proceed on the same lines as indicated in paragraph 10 above.

Separation action

16. Upon approval of separation for abandonment of post, the personnel officer concerned will process the separation action and will notify the staff member at the address most recently provided by him or her, advising of the Secretary-General's decision and the effective date in accordance with paragraph 12 above. Separation for abandonment of post is not termination and therefore

Judgment

24. It is the Judgment of the Tribunal that the claim is not receivable. The application is rejected.

(Signed)

Judge Goolam Meeran

Dated this 29th day of May 2019

Entered in the Register on this 29th day of May 2019

(Signed)

Nerea Suero Fontecha, Registrar, New York