

dollars, the Tribunal orders the Respondent to pay the Applicant indemnity in the amount of 10,000 dollars without prejudice to the Applicant's entitlement to the compensation payments which he is receiving under the Secretary-General's decision of 10 February 1961.

XIII. In view of the Tribunal's decision in paragraph XII above, the Applicant's third plea is denied.

(Signatures)

R. VENKATARAMAN
President

Suzanne BASTID
Vice-President

Geneva, 19 April 1977

Roger STEVENS
Member

Jean HARDY
Executive Secretary

Judgement No. 219

(Original: French)

Case No. 212:
Pochonet

Against: The Secretary-General
of the United Nations

Termination of the employment of a staff member holding a permanent appointment on the ground of unsatisfactory service.

Request for rescission of the decision to terminate the Applicant's appointment.—Circumstances in which that decision was taken.—Prior judgements of the Tribunal relating to the termination of permanent contracts on the occasion of the five-year review.—Contention of the Applicant that the contested decision was based on a tardy appraisal of the value of his services.—Examination of the Applicant's periodic reports.—Conclusion of the Tribunal that the complaints about the Applicant cannot be linked to the presence of a new Chief of Section.—Decisive importance of the latest periodic reports for the purposes of the five-year review.—The fact that the Applicant was awarded his salary increments does not show that the Respondent recognized that the performance and conduct of the Applicant were satisfactory until that time.—Allegation of prejudice based on the fact that the appointments of six other members of the Section were terminated at the same time as that of the Applicant.—Legal status of those staff members.—Allegation of prejudice rejected.—Complaints concerning the circumstances in which the Appointment and Promotion Committee submitted its recommendation concerning the Applicant.—Inapplicability of Administrative Instruction ST/AI/222 and Staff Rule 104.14 (f) (ii) (C).—Fact that the proposal for termination was submitted at a time when the last periodic report prepared in connexion with the five-year review had not yet been brought to the attention of the Applicant.—General character of the rebuttal of that periodic report by the Applicant.—Specific and relevant character of the rebuttal of the previous periodic report, which was included in the Applicant's file.—Circumstances in which the investigations to which those rebuttals gave rise were carried out.—The procedure followed was not irregular.—The failure to draw up a special report in connexion with the withholding of the salary increment cannot be held to have affected the value of the information submitted to the Appointment and Promotion Committee.—Conclusion of the Tribunal that it has not been shown that the Committee's consideration of the unfavourable appraisals of the Applicant took place in circumstances likely to affect the validity of the conclusion reached by the Committee.—Rejection of the request for rescission of the decision terminating the Applicant's employment.

Application rejected.

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Madame Paul Bastid, Vice-President, presiding; Mr. Francisco A. Forteza; Mr. Endre Ustor;

Whereas at the request of Gérard D. Pochonet, a former staff member of the United Nations, the President of the Tribunal, with the agreement of the Respondent, extended successively to 5 November 1975, 15 April 1976, 1 July 1976, 1 October 1976, 1 December 1976 and 15 December 1976 the time-limit for the filing of an application to the Tribunal;

Whereas, on 15 December 1976, the Applicant filed with the Tribunal an application which did not fulfil all the formal requirements of article 7 of the Rules;

Whereas the Applicant, after making the necessary corrections, again filed the application on 22 December 1976;

Whereas the pleas of the application read as follows:

"1. Motion for interrogatories regarding the circumstances of termination of Evelyn Friedman, Lorraine Parent, Marie-Thérèse Chevallier, Rita Ezrati, Jean-Paul Quiviger, Michel Boussomier, and whether any rebuttals or appeals were taken.

"2. An order requiring the Secretary-General to allow Mr. Pochonet to take the French Translator's Examination and conduct a full and fair investigation of his qualifications and performance as a translator.

"3. Motion for reinstatement of Applicant to full enjoyment of his appointed status as a permanent contract holder, and that he concurrently be restored to all rights, emoluments, and benefits pertaining thereto, as fully and completely as though no termination had been made.

"4. Motion for compensation for period since termination until reinstatement."

Whereas the Respondent filed his answer on 1 February 1977;

Whereas the Applicant filed written observations on 1 March 1977;

Whereas the facts in the case are as follows:

The Applicant entered the service of the United Nations on 9 December 1964 under a short-term appointment for three months at the P-2 level as a Translator-Trainee in the French Section, Language and Meetings Service, Office of Conference Services. He subsequently served under a succession of short-term and fixed-term appointments, the last of which was converted on 1 August 1965 to a probationary appointment. On 1 July 1967 the Applicant was granted a permanent appointment as a Translator at the P-3 level.

The Applicant's performance up to 30 November 1969 was evaluated in four periodic reports in which the second reporting officer rated him as a staff member who maintained a good standard of efficiency. In the third report, however, that rating was made subject to comments by the first reporting officer indicating that the Applicant's attitude was at times a little off-hand and that he had slackened his efforts and had not always shown as much seriousness as might be desired. In the fourth report, the rating was similarly qualified by a reference to observations in which the first reporting officer noted that, while the Applicant was capable of doing very useful work by virtue of the knowledge he had acquired concerning difficult matters, he did not seem to be yet fully aware of how much careful, methodical and serious work was required in translation and précis-writing. In a fifth periodic report, which covered the period from 1 December 1969 to 31 January 1972, the Applicant was rated as, on the whole, an unsatisfactory staff member and the second reporting officer commented that this severe evalua-

tion was based on many, long conversations she had held both with the Acting Chief of the French Section and with the latter's predecessor concerning the deterioration in the Applicant's performance, his attitude of total disregard for the requirements of the work and his obvious contempt for the comments made and advice given to him on many occasions. On 4 April 1972 the Applicant submitted a rebuttal to the report which he criticized for being unjustifiably harsh and for containing unwarranted generalizations and, on some points, gratuitous and even contradictory evaluations. On 6 June 1972 the Under-Secretary-General for Conference Services filed a note stating that in accordance with the provisions of paragraph 13 of Administrative Instruction ST/AI/115 he had investigated the Applicant's rebuttal of his periodic report and had found no new evidence to warrant a change in the original appraisal of the staff member either by his supervisors or by the Under-Secretary-General personally. In a sixth periodic report, covering the period from 1 February 1972 to 30 June 1972 and prepared in connexion with the five-year review of the Applicant's permanent appointment, the Applicant was again rated as, on the whole, an unsatisfactory staff member. On 6 July 1972 the Acting Chief of the French Section addressed to the Deputy Executive Officer of the Office of Conference Services a recommendation for the termination of the Applicant's permanent appointment. This recommendation was transmitted and supported by the Director of the Translation Service, who had signed all the Applicant's periodic reports as the second reporting officer, under cover of a memorandum dated 11 July 1972. On 17 July 1972 the salary increment, which had been granted annually to the Applicant, was withheld as of 1 July 1972 in accordance with the requirements of annex I, paragraph 4 to Staff Regulation 3.1 and Staff Rule 103.8 (a). On 20 July 1972 the Deputy Executive Officer of the Office of Conference Services informed the Office of Personnel Services that the Office of Conference Services recommended the Applicant's separation from the United Nations in view of his unsatisfactory service. It appears that in the beginning of August 1972 the Acting Chief of the French Section informed the Staff Council Unit Representative for the French Section that she had recommended the termination of the appointment of the Applicant and of five or six French Translator-Trainees. On 21 August 1972 the Applicant submitted a rebuttal to his sixth periodic report, asserting that the report was motivated by systematic prejudice and that its writer's conclusions constituted a flagrant abuse of authority. On 6 November 1972 the Under-Secretary-General for Conference Services filed a note stating that in accordance with the provisions of paragraph 13 of Administrative Instruction ST/AI/115 he had investigated the Applicant's rebuttal of his periodic report and had found no new evidence to warrant a change in the original appraisal of the staff member either by his supervisors or by the Under-Secretary-General personally. The recommendation of the Office of Conference Services for the termination of the Applicant's appointment was transmitted to the Chairman of the Appointment and Promotion Committee by the Personnel Officer for the Office of Conference Services under a memorandum dated 1 February 1973 in which he referred to an interview held on 24 January 1973 in the course of which he had informed the Applicant of the recommendation and the Applicant had expressed his disagreement with the appraisal of his performance in his last two periodic reports, which he attributed to personal prejudice on the part of his immediate supervisor; the memorandum concluded with a statement that, in view of the last two periodic reports over a 31-month period in which both the Applicant's performance and his attitude had deteriorated to the extent that he was rated as an unsatisfactory staff member, the Office of Personnel Services felt compelled to agree with the recommendation. The Appointment and Promotion Committee interviewed the Executive Officer of the Office of Conference Services, the representative of the Office of Personnel Services, the Acting Chief of the French Section and the Applicant. On 9 March 1973 the Committee submitted to the Appointment and Promotion Board a report in which it recommended

that the Applicant be separated from the service of the Organization. On 23 March 1973 the Appointment and Promotion Board endorsed the report of the Committee and recommended to the Secretary-General the Applicant's separation from service. On Friday, 27 April 1973, in the afternoon, the Personnel Officer for the Office of Conference Services handed the Applicant a letter from the Assistant Secretary-General for Personnel Services stating that the Secretary-General, having carefully considered the Applicant's case in the light of the report of the Appointment and Promotion Committee and taking into account all the circumstances, had decided to accept the recommendation to terminate his appointment, in accordance with Staff Regulation 9.1 (a), that this letter constituted the official notice of termination provided for in Staff Rule 109.3 (a), effective 30 April 1973, and that the Secretary-General had decided to pay him the compensation provided for in Staff Rule 109.3 (c) in lieu of the three-month notice period. On Saturday, 28 April 1973, the Applicant was denied access to his office and, on Monday, 30 April 1973, he was asked to surrender his ground pass. On 21 May 1973 the Applicant requested the Secretary-General to review and reverse the decision to terminate his appointment. In a final periodic report, drawn up on 1 and 5 June 1973 to cover the period from 1 July 1972 to 30 April 1973, but not shown to the Applicant, the second reporting officer again rated him as, on the whole, an unsatisfactory staff member. On 6 June 1973 the Assistant Secretary-General for Personnel Services advised the Applicant of the Secretary-General's decision to confirm the termination decision. On 5 July 1973 the Applicant lodged an appeal with the Joint Appeals Board, which submitted its report on 5 February 1975. The Board's conclusions and recommendations read as follows:

"Conclusions and recommendations

"57. The Board finds that the appellant has not met the burden of proving that the termination of his appointment was motivated either by prejudice or by extraneous factors.

"58. The Board finds further that, despite some technical omissions noted above, due process has been observed in reaching and carrying out the decision to terminate the appellant's appointment.

"59. The Board accordingly is unable to make any recommendation in support of this appeal."

On 31 March 1975 the Assistant Secretary-General for Personnel Services informed the Applicant that the Secretary-General, having taken note of the conclusions of the Joint Appeals Board, had decided to maintain the termination decision. On 15 December 1976 the Applicant filed with the Tribunal the application referred to earlier.

Whereas the Applicant's principal contentions are:

1. The requirements of a "complete, fair and reasonable procedure" for the termination of a permanent appointment were not met in the Applicant's case. There was no opportunity for the Office of Conference Services to review the Applicant's rebuttal to his sixth periodic report before the decision to terminate him was made, and at no time did the Under-Secretary-General meet with the Applicant. After the interview of 24 January 1973 no investigation of the Applicant's proficiency or allegations is known to have been undertaken by the Office of Personnel Services. And no formal evaluation of the Applicant's work habits subsequent to July 1972 was submitted to the Appointment and Promotion bodies which therefore made their recommendation based on a negative evaluation of the Applicant's work from 1 July 1971 to July 1972—a 12-month evaluation of a staff member who had served seven years in the United Nations and been given a permanent appointment.

2. Evidence, present in this case, of an unusual pattern of termination of staff

members by a supervisor can indicate prejudice and permit the Tribunal to examine the question of efficiency of the staff member.

3. The award of a salary step increase is evidence of satisfactory performance and conduct. Therefore, it can be assumed, even under the standards of the Applicant's supervisors, that his performance was satisfactory until July 1971.

4. The manner in which the termination was carried out indicates severe antipathy toward the Applicant.

Whereas the Respondent's principal contentions are:

1. By finding the Applicant's services unsatisfactory and terminating his appointment having accorded him due process, the Secretary-General exercised his discretion properly.

2. Due process was accorded to the Applicant, prior to the final decision by the Secretary-General to terminate his appointment, within the meaning of Judgements Nos. 98 (*Gillman*) and 157 (*Nelson*). Paragraph 13 of Administrative Instruction ST/AI/115 was complied with. As to the failure to submit the final periodic report for the Applicant's signature and possible rebuttal, it was a technical lacuna which, having regard to the nature of the comments in that report and prior rebuttals by the Applicant to similar comments in the past reports, did not materially affect the procedural safeguard of the Applicant's rights. Moreover, inasmuch as the final report was never submitted to the Appointment and Promotion Board, due process could not have been violated by the absence of a rebuttal.

3. Administrative Instruction ST/AI/222 is not applicable in the case.

4. The contention that the termination of the Applicant's appointment was motivated by extraneous factors is unfounded. The Applicant's own record was the source of the decision to terminate his appointment.

The Tribunal, having deliberated from 6 to 19 April 1977, now pronounces the following judgement:

I. The Applicant seeks rescission of the termination decision which the Respondent took on 27 April 1973 and maintained on 31 March 1975 after taking note of the conclusions of the Joint Appeals Board, and reinstatement in his status as a permanent contract holder with all the rights and benefits pertaining thereto.

The Tribunal must therefore determine whether that decision is vitiated by an irregularity that could entail its rescission.

II. The Applicant was terminated for unsatisfactory services on the occasion of the five-year review of his permanent appointment carried out in accordance with Staff Rule 104.13 (a) (ii). The termination decision was taken on the recommendation of the Appointment and Promotion Board, which endorsed the proposals of the Appointment and Promotion Committee.

III. The Tribunal has stated in several cases (Judgements No. 98: *Gillman*, No. 131: *Restrepo*, No. 157: *Nelson*, No. 184: *Mila*, and No. 204: *Mila*) that in view of "the very substantial rights given by the General Assembly to those individuals who hold permanent appointments in the United Nations Secretariat, . . . such permanent appointments can be terminated only upon a decision which has been reached by means of a complete, fair and reasonable procedure which must be carried out prior to such decision".

The Tribunal has also recognized that when the Appointment and Promotion Board carries out the five-year review of a permanent appointment, that review by the Board or its subsidiary bodies represents in principle "the complete, fair and reasonable procedure which must be carried out prior to the termination of a permanent appointment".

The Tribunal has ruled, however, that the termination decision may be vitiated if it was taken upon recommendations based on inadequate or erroneous information (Judgement No. 98: *Gillman*). Earlier judgements of the Tribunal likewise show that to be valid the procedure followed must permit adequate consideration of the evaluations concerning the work of the staff member concerned (Judgement No. 131: *Restrepo*), and a thorough, searching and balanced review of the latter's standards (Judgement No. 204: *Mila*).

IV. In this case, the Applicant contends that the contested decision is based on a tardy appraisal of the value of his services. According to him, his work was found satisfactory until July 1971, he was not informed of the complaints concerning him until April 1972, and even at that time he was acknowledged to possess certain good qualities; the fact that he received periodic salary increments until July 1971 showed that his performance and conduct were deemed satisfactory by his superiors according to the terms of Staff Rule 103.8 (a); moreover, the quality of his translations was attested to by one of his revisers and by an employer. Furthermore, the decision taken against him formed part of a move directed against a group of translators in the French Section and, since it resulted from animosity on the part of his superior, it constituted an abuse of authority. Lastly, the Applicant complains about the procedure followed when he submitted a rebuttal to his periodic reports and contends that inadequate information was provided to the Appointment and Promotion Board.

V. It is not for the Tribunal to express an opinion concerning the Applicant's ability to perform his duties, but the Tribunal is entitled to seek to determine whether the decision of the department concerned that the permanent appointment of the Applicant should be terminated was taken in normal circumstances or in circumstances such that the decision constituted an abusive exercise of the Secretary-General's power of appraisal.

The Applicant's first periodic report, covering the period of his temporary contracts and the beginning of his probationary period, reflected the Applicant's skills but also the need for "substantial efforts" so that he might "systematically familiarize himself with the questions dealt with by the Organization".

The second periodic report covers basically the first year of his probationary period. The new Chief of the French Section noted favourable elements: the Applicant was progressively familiarizing himself with the work of the Organization and had performed his duties as a *précis*-writer very competently. He noted, however, that in some cases the Applicant should be more careful.

The third periodic report, covering the period 1 January 1967–31 December 1968, concerns the end of the probationary period and 18 months of the permanent appointment. The same person was Chief of the French Section. He appraised favourably the Applicant's abilities and all his technical skills, but once again noted that the Applicant "often needed to be more careful" and especially that during the period covered he had "slackened his efforts and had not always shown as much seriousness as might be desired". He observed that he had pointed out to the Applicant "on several occasions that his attitude was not always what it should be". The change in ratings under two headings (sense of responsibility, punctuality) no doubt reflects the same opinion.

The fourth periodic report, covering most of 1969, acknowledged that the Applicant had acquired knowledge concerning difficult matters but noted once again that the Applicant "does not seem to be yet fully aware of how much careful, methodical and serious work is required in translation and *précis*-writing". However, subject to those comments, the Applicant was once again rated by the second reporting officer as a staff member who maintained a good standard of efficiency.

The fifth periodic report, covering the period 1 December 1969–31 January 1972,

was prepared by a new Chief of Section as first reporting officer; in section II of the report, the Director of the Translation Service noted that the Applicant was, on the whole, an unsatisfactory staff member. Although the report acknowledges the skills and knowledge of the Applicant, it contains an unfavourable appraisal of the quality of his work, his methods of work, his off-hand attitude towards his work and his obvious contempt for the comments made and advice given to him.

Without going into detail concerning the ratings, it is clear that the general appraisal reveals the aggravation of professional short-comings already noted in earlier reports and the accentuation of an attitude which had already been qualified as "off-hand" in the third periodic report. Moreover, the comments of the second reporting officer, who had been in charge of the French Section when the Applicant joined it, show that the prevailing view is that his performance had "deteriorated".

The sixth periodic report, prepared for the period 1 February–30 June 1972 in connexion with the five-year review of the Applicant's appointment, stated that he was "incapable of the sustained effort of application which the proper discharge of their functions requires of the members of the Section". The same basic criticisms were made: errors in translations, lack of punctuality, failure to pay attention to comments.

VI. In conclusion, it appears that the complaints about the Applicant cannot be linked to the fact that the French Section had a new Chief from December 1969 onwards. Certain short-comings had been observed earlier but the Applicant had not sought to correct them, allowing a situation which became increasingly less acceptable as he acquired seniority in his post to become worse. Moreover, it is the situation at the time of the five-year review which had to be taken into consideration in determining what should become of the Applicant. According to the Staff Rules, the purpose of the review is to determine whether, at the end of a five-year period, the staff member "has maintained the requisite standards of suitability" (Staff Rule 104.13 (c) (ii)). It is therefore essentially the latest periodic reports which are decisive in that regard, especially when a situation has developed progressively and the complaints concerning the staff member in question have become more serious.

VII. The Tribunal cannot agree that the fact that the Applicant was awarded salary increments up to and including 1971 shows that the Respondent recognized that the performance and conduct of the Applicant were satisfactory until that time. While the withholding of the salary increment in 1971 would—as the Joint Appeals Board has pointed out—have constituted an unequivocal warning, the comments of the first and second reporting officers show clearly, from the third periodic report onwards, that the Applicant was kept informed of the criticisms levelled against him by his superiors.

VIII. The Applicant has sought to base an allegation of prejudice on the fact that the appointments of six other members of the French Section were terminated at the same time as his own. The Joint Appeals Board noted that the persons concerned had been holders of probationary appointments to whom it had been decided not to give permanent appointments. Their legal status was quite different from that of the Applicant. Even if the reasons invoked for not granting permanent appointments can be compared to those on which the termination of the Applicant was based, it does not follow that those decisions were inspired by prejudice, and no other element has been invoked in this case.

IX. The Tribunal considered carefully the complaints concerning the circumstances in which the Appointment and Promotion Committee submitted its recommendation concerning the Applicant.

The Tribunal notes that, since the termination of the Applicant's appointment for unsatisfactory services occurred following the five-year review, Administrative Instruc-

tion ST/AI/222 is not applicable, and neither is Staff Rule 104.14 (f) (ii) (C) as in force on 1 June 1976.

X. The Applicant argues that the Acting Chief of the French Section submitted her proposal concerning the termination of the Applicant on 6 July 1972, before he had received his period report covering the period 1 February–30 June 1972, before he had had an opportunity to submit a written rebuttal to that report and before the investigation by the head of the department required under Administrative Instruction ST/AI/115 had been carried out.

The Tribunal observes that as a result of that procedure the proposal for termination was submitted at a time when the last period report prepared in connexion with the five-year review had not yet been brought to the attention of the Applicant and could still be the subject of a rebuttal. The Tribunal also notes that the Applicant was not personally informed of that proposal until he had submitted his rebuttal. The Tribunal must, however, note that the statement by the Applicant dated 21 August 1972 consists essentially of general considerations regarding the prejudice caused him by the report and of criticisms concerning the way in which the French Section was administered. But his rebuttal to the report covering the period 1 December 1969–31 January 1972 had been in the possession of the Chief of the French Section since 4 April 1972. That document indubitably reflects an effort to bring out contradictions in the periodic report and counter complaints concerning the Applicant's punctuality and abilities as a translator; while acknowledging that he did not claim to be a stickler for strict precision, the Applicant considered that he had not become an incapable translator or an unsatisfactory staff member.

That defence, which certainly deserved to be taken into consideration, was included in the Applicant's file and those who proposed his termination had been aware of it at the proper time.

As to the periodic report covering the Applicant's last 10 months of service (from 1 July 1972 to 30 April 1973), it was not communicated to the Applicant and was not submitted to the Appointment and Promotion Committee.

Thus, the statement of 4 April 1972 constituted the only real written explanation of the Applicant's views available to the Committee.

XI. Although the two rebuttals by the Applicant dated 4 April and 21 August 1972 led to the investigation required under Administrative Instruction ST/AI/115, the identical written comments of 6 June and 6 November 1972 by the Under-Secretary-General for Conference Services give no indication of the circumstances in which those investigations were carried out. The statements by the Applicant show that he was not questioned on that occasion. In the absence of any rule applicable to these investigations and taking into account all the circumstances of the case, the Tribunal is unable to regard the procedure followed as irregular (Judgement No. 122: *Ho*, para. II). The Tribunal considers, however, that the comments made in this connexion in paragraph 52 of the report of the Joint Appeals Board are fully justified and notes that the procedure prescribed in Administrative Instruction ST/AI/115 was modified as of 1 February 1977.

XII. As noted by the Joint Appeals Board, the failure to draw up the special report which according to Administrative Instruction ST/AI/115 should have been prepared when the salary increment was withheld in 1972 deprived the Applicant of an opportunity to explain himself with regard to the complaints concerning him. However, the fact that such documents were not included in the file submitted to the Appointment and Promotion Committee cannot be held to have affected the value of the information submitted to it.

XIII. The Tribunal notes, in effect, that on 24 January 1973 the Personnel Officer

for the Office of Conference Services informed the Applicant of the recommendation concerning him which had been submitted to the Appointment and Promotion Committee. The Applicant's point of view was set out in the memorandum addressed to the Committee by the Personnel Officer.

The Committee heard the Applicant a few weeks later and he has made no comment on the circumstances in which that interview took place.

That being so, it has not been shown that the Committee's consideration of the unfavourable appraisal of the Applicant took place in circumstances likely to affect the validity of the conclusion reached by the Committee, on which the contested decision was based.

XIV. Consequently, the Tribunal declares that the claim for rescission of the termination decision is ill-founded and rejects the claim for reinstatement of the Applicant in his status as a permanent contract holder.

XV. It is not for the Tribunal to order the Respondent to authorize the Applicant to take a translators' examination.

XVI. It is not for the Tribunal to order oral proceedings concerning the situation of persons who have not submitted an application to it.

XVII. For the foregoing reasons, the application is rejected.

(Signatures)

Suzanne BASTID
Vice-President, presiding
 Francisco A. FORTEZA
Member
 Geneva, 19 April 1977

Endre USTOR
Member
 Jean HARDY
Executive Secretary

Judgement No. 220

(Original: English)

Case No. 204:
Hilaire

Against: **The Secretary-General
of the United Nations**

Termination of the employment of a staff member for abandonment of post.

Unauthorized acceptance of alternative employment by the Applicant and his failure adequately to explain his continued absence.—Argument based on the fact that the Medical Director did not formally indicate to the Applicant that further sick leave had been disallowed.—Argument rejected, the Applicant having initiated his own separation from the service.—Argument that disciplinary proceedings should have been instituted.—Argument rejected, because the Respondent had the option of regarding the Applicant's unauthorized absence as abandonment of post or of referring the matter to the Joint Disciplinary Committee.—Requests for a medical review and for the conversion of nine days of annual leave to sick leave.—Requests not receivable.

Application rejected.
