



Administrative Tribunal

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ADMINISTRATIVE TRIBUNAL

Judgement No. 1342

Case No. 1425

Against: The Secretary-General
of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,
Composed of Ms. Jacqueline R. Scott, First Vice-President, presiding; Mr. Dayendra Sena Wijewardane,
Second Vice-President; Ms. Brigitte Stern;

Whereas, on 24 June 2005, a staff member of the United Nations, filed an Application requesting the
Tribunal, *inter alia*,

“... to *find that*:

(a) Substantive facts regarding [the] Applicant’s performance were deliberately disregarded which blocked his career advancement;

(b) [The] Respondent further denied [the] Applicant due process by, *inter alia*, intentionally transmitting a nonexistent [performance appraisal system (PAS)] report to [the Appointment and Promotion Board (APB)] misleading the latter into believing that that fabricated document was an integral part of [the] Applicant’s [official file];

(c) [The] Applicant’s performance strengths were diluted by [the] Respondent so that he would be bypassed in promotion;

(d) [The Respondent committed frequent] ... procedural irregularities ... against [the] Applicant in connection with his candidacy for promotion and his PAS.

... [and] *to order*:

(a) That [the] Applicant be retroactively promoted to the post of senior interpreter as of April 2003, the date on which he was unduly denied that promotion;

(b) That he be paid compensation equal to a two year salary at the time the decision was taken;

or, failing that:

(c) the payment of compensation [of] three and half years' ... salary for the deliberate disruption of due process and loss of promotion prospects;

(d) further payment of one and half years' ... salary for the psychological suffering and professional injury inflicted on [the] Applicant;

(e) a complete investigation be conducted relating to the fabrication of [the] Applicant's PAS (31/03/2001 - 1/4/2002) to determine those responsible for submission of fictitious ratings to [the] APB and fraudulent documents to the [Joint Appeals Board (JAB)] panel as well as to institute appropriate sanctions and;

(f) [the] Applicant be recommended for promotion to any P-5 post for which he is eligible and to which he applies.”

Whereas at the request of the Respondent, the President of the Tribunal granted an extension of the time limit for filing a Respondent's answer until 30 December 2005 and once thereafter until 15 January 2006;

Whereas the Respondent filed his Answer on 30 December 2005;

Whereas the Applicant filed Written Observations on 30 January 2006;

Whereas the statement of facts, including the employment record, contained in the report of the JAB reads, in part, as follows:

“Employment history

... [The Applicant] joined the Organization on 30 October 1982 as an Interpreter Trainee at the P-1 level. He was subsequently promoted to the P-2 level as Associate Interpreter on 1 August 1983. On 1 July 1986, he was promoted to the P-3 level as Interpreter, and thereafter was promoted to his current post on 1 July 1991 to the P-4 level as an Arabic Interpreter in the Interpretation Service, Interpretation and Meetings and Publishing Division (IMPD), [Department for General Assembly and Conference Management (DGACM)].

Summary of Facts

... During the period 1 April 2000 to 31 March 2001, [the Applicant's] section was headed by three chiefs during the following successive periods:

- Mr. [A. S., who] retired on 31 December 2000.
- Mr. [A. G., who] served from 1 January 2001 to 28 February ..., when he retired.
- Mr. [F. A., who] served from 1 March 2001 until 31 March 2002, when he retired.

... On 16 January 2002, [the Applicant] sent a memorandum to [the] Officer-in-Charge [(OIC)], Interpretation Service, formally requesting:

‘replacement of my incorrectly completed PAS for the period [1 April 2000 - 31 March 2001 with a] report by the supervisors who were actually in charge at the time. This is in line with ST/AI/1999/14, [of 17 November 1999,] ... paragraph 3.3 [of] which stipulates that

“[w]hen a staff member or his or her supervisor is reassigned or transferred from a department or office, or is separated from service, an appraisal shall be made for the period between the beginning of the performance year and the reassignment, transfer or separation, if such period is six months or more”.

During the said reporting period, I had three supervisors; the first was in charge for nine months, the second, for two months and the current supervisor, for barely one month. In practice, one month is by no means procedurally viable or legally sufficient to make an informed evaluation of my work. It is worth mentioning that the first two reporting officers are being recruited as freelance interpreters and currently on board.

I am therefore requesting that another evaluation be done with the other two supervisors preparing the assessment.’

... On 22 March 2002[, a] vacancy announcement ... was issued to fill [the] vacant [P-5 level] post ... of Senior Interpreter, within ... IMPD/DGACM. ...

...

... On 11 April 2002, [the Applicant] submitted his application [for the post].

...

... By a memorandum dated 28 June 2002, [the Applicant] wrote to ... the Deputy Secretary-General regarding ‘Deliberate Violations of Reporting Procedure, a serious case of Accountability’ ...

[On 3 October 2002, the Applicant signed his PAS for the period 1 April 2000 - 31 March 2001. His first reporting officer, Mr. A. S., described him as ‘an outstanding interpreter with impressive academic credentials’ and rated his performance as ‘frequently exceeds performance expectations’. His second reporting officer indicated that he had been approved as an alternate candidate for promotion to the post of Senior Interpreter. Under ‘staff member’s comments’, the Applicant noted

‘In order to undermine my opportunities for promotion, collaborative wisdom has had the former first reporting officer, currently freelance interpreter, rubberstamp an authentic replica of preconceived agenda-driven report of dubious intent. Everything surrounding his appraisal has been conducted in an atmosphere of clandestine secrecy.’]

... By a note dated 10 October 2002 addressed to ‘all colleagues in the Arabic Section’, Mr. A. S. stated ‘I added one sentence to your PAS report for the period 1 April 2000 to 31 March 2001, to clarify that my ratings in the report cover up to 31 December 2000, i.e., the date of my retirement’, [and enclosed] a copy of the amended page.

... On 5 November 2002, the Departmental Panel (DP) met to review the applications for the above-mentioned vacant post. The DP agreed with the Programme Manager’s views that another internal candidate [(Mr. X.)] be recommended and selected for promotion to the vacant post. The DP was unable to reach consensus on the ranking of alternate candidates recommended by the Programme Manager. In light of the DP’s recommendation, the Head of Department submitted his recommendation to the [APB] by endorsing the Programme Manager’s recommended selection to fill the vacant post.

... On 5 November 2002, the [Applicant] rebutted his 1 April 2000 - 31 March 2001 PAS report.

... On 12 December 2002[, the APB met. On 13 December, the Board indicated it had been unable to make a recommendation on the case as it was ‘not convinced that [Mr. X.] was the best qualified candidate for the post’. It noted that ‘[s]everal other candidates, whom the Department considered to meet all requirements for the post, appeared to be better qualified ... on the basis of superior academic

qualifications, knowledge of more languages and/or higher seniority'. Accordingly, the APB requested a 'detailed comparative evaluation against the requirements of the post' of four candidates, including the Applicant. DGACM provided the requested information on 22 January 2003. Thereafter,] on 30 January ..., the APB met and endorsed the recommendation to promote {Mr. X.] ... to the P-5 post.

[On 5 February 2003, the Applicant requested the Secretary-General to review the administrative decision to promote Mr. X. to the P-5 level. On 4 April, he lodged an appeal with the JAB in New York.]

... By a memorandum dated 27 March 2003 from [the OiC, Interpretation Service,] to [the] Executive Officer, DGACM, regarding [the Applicant's] rebuttal of his PAS, [the OiC] stated, inter alia ...:

'The period under review was complicated by the fact that three different chiefs of section succeeded one another within the same reporting period ... and the last chief, Mr. [F. A.], only one month into his tenure as chief, prepared the original PAS in consultation with the former two Chiefs of Section.

Subsequently, due to the protests of two members of the Arabic Section and upon the explicit verbal instructions of [the] Director, Operational Services Division, Office of Human Resources Management ..., all PAS of the Arabic Interpretation Section for this period were redone since it was felt that the first appraising officer should have been Mr. [A. S.] instead of Mr. [F. A.]'

... On 22 May 2003, the Rebuttal Panel ... issued its report, wherein it stated, inter alia:

'On 20 May ..., the Panel interviewed [the Applicant] and the first appraising officer, Mr. [A. S.]. Taking due consideration of their statements, the Panel found that, although there had been some procedural irregularities, there was not sufficient grounds for recommending a change in the final rating of "Frequently exceeds performance expectations" on the rebutted PAS report.'

On 26 September 2003, the Applicant lodged another statement of appeal with the JAB, in which he contested the outcome of the rebuttal proceedings.

The JAB adopted one report on both appeals, on 11 February 2005. Its considerations, conclusions and recommendations read, in part, as follows:

“Considerations

28. [The] Appellant claims that irregularities in processing his PAS for two review periods, 2000-2001 and 2001-2002, and a prejudicial presentation of the merits of his candidacy before the APB denied him due consideration in the promotion exercise for the P-5 post in the Interpretation Service. ... [The Panel noted that the] Appellant had a statutory right to due process in the preparation of his evaluation and due consideration for the promotion, and the Panel is competent to examine whether the process that went into producing those ratings could have impacted on that right. The Panel therefore limits the scope of its review to that issue. ...

...

30. With regard to [the] Appellant's 2001-2002 PAS, [the] Respondent contends ... that the evaluation was prepared and that [the] Appellant refused to sign it. [The Appellant denies this and, in] addition, ... contends that the PAS was never shown to him until the Panel requested [the] Respondent to supply the document to the JAB following the hearing. ... [T]he Panel does not consider it necessary to assess the veracity of [the] Appellant's contention that the document is a fabrication. The document and other physical evidence in the parties' submissions clearly show that proper procedures were not followed. ... As [the] Appellant has a right ... to a PAS process that follows the necessary procedures, the Panel considers that procedural irregularities did occur in the preparation of his 2001-2002 PAS.

31. Regarding the promotion exercise in this case, the Panel notes that the burden of proof on the issue of due consideration is on the Respondent whenever a staff member questions that such consideration was given. ... [The] Respondent contends that ... DGACM, in order to provide the comparison of candidates to the APB, included the points from the 2001-2002 PAS in that comparative worksheet. The Panel considers that the ratings in the PAS which eventually went into producing the comparative worksheet could reasonably be expected to impact on the decision by the APB, particularly insofar as the difference in the candidates' ratings was so slight. Indeed, the likelihood of such an impact becomes greater insofar as the APB initially had found that it could not make a recommendation in the case, as it was not evident to the Board that the selected candidate was the best qualified for the post; the APB considered that several other candidates appeared to be better qualified. The comparative worksheet requested by the APB was submitted to address these doubts and help it reach a recommendation. The Panel therefore concludes that [as] the Appellant's ratings in the worksheet reflected performance evaluations produced through a pattern of irregularities[,], use of those ratings could have impinged on his consideration by the APB for promotion.

32. Beyond the irregularities with his PAS[, the] Appellant claims that the Assistant Secretary-General both over-emphasized the selected candidate's merit and understated, omitted and/or distorted [the] Appellant's achievements in numerous other aspects in the ... presentation of the candidates to the APB. The Panel notes the burden of proving prejudice or improper motive lies with [the] Appellant ... and ... concludes that [he] did not adequately shoulder the burden of proof in this regard.

33. In addition, the Panel cannot say, again given the slight difference in [the] candidates' ratings within the comparative worksheet and the fact the record shows the APB considered other candidates were well-qualified for the post, that, but for the irregularities, [the] Appellant *would necessarily have been promoted*. Nevertheless, the disturbing pattern of irregularities outlined above equate to a violation of [his] right to due consideration for promotion which should be compensated. The Panel also considers that, given the importance of transparency and accountability, this disturbing pattern should be corrected for future administration of the staff member.

Conclusions and recommendation

34. In light of the foregoing, the Panel *unanimously concluded* that irregularities in management of [the] Appellant's PAS could reasonably be expected to impinge on his consideration for promotion. It therefore *unanimously recommended* that he be compensated in the amount of two months' net salary."

On 31 May 2005, the Under-Secretary-General for Management transmitted a copy of the JAB report to the Applicant and informed him that the Secretary-General had decided to accept the JAB's recommendation to compensate him in the amount of two months' net base salary.

On 24 June 2005, the Applicant filed the above-referenced Application with the Tribunal.

Whereas the Applicant's principal contentions are:

1. He was the victim of a "well-orchestrated, sinister plot" to deny him promotion, and continues to be denied full and fair consideration for promotion.
2. He was not properly compensated for the violation of his rights in the preparation of his 2000-2001 PAS.
3. The 2001-2002 PAS presented to the JAB was a fabrication and the responsible party committed a serious act of misconduct. The JAB erred in not seriously addressing this issue.
4. The compensation paid is inadequate to redress the wrongs suffered by the Applicant.

Whereas the Respondent's principal contentions are:

1. The Applicant had no right to promotion but only to consideration for promotion.
2. The Applicant was properly considered for promotion and his rights were not violated by the decision not to promote him to the P-5 post he sought.
3. The Applicant has failed to carry the burden of proof to support his claim of prejudice.
4. The Applicant was granted appropriate and adequate remedy for procedural irregularities.
5. The Applicant's request for the award of alleged damages is without merit.

The Tribunal, having deliberated from 28 June to 27 July 2007, now pronounces the following Judgement:

I. The case presented by the Applicant to the Tribunal involves allegations of discrimination, improper evaluation, flawed promotion and violations of due process. The Tribunal wishes to note that the background of this case and the specific promotion exercise at issue were deliberated upon, inter alia, in its Judgement No. 1331, rendered at this session.

II. The Applicant entered the service of the United Nations on 30 October 1982 as an Interpreter Trainee at the P-1 level. At the time of the events which gave rise to his Application, he was serving at the P-4 level as an Arabic Interpreter.

For the PAS period 1 April 2000 to 31 March 2001, the Applicant's section was headed by three successive chiefs. Originally, the third of these chiefs - who had served for only one month of the period - prepared the PAS but, following staff protests, the first of the three chiefs - who had served until 31 December 2000 - completed the evaluations. He rated the Applicant "2" (frequently exceeds expectations), but noted on all PAS that his ratings only covered the period until his retirement on 31 December. The Applicant protested that the relevant rules had not been complied with and pointed out that the staff members in the section were effectively not evaluated for the period 1 January until 31 March 2001. He proceeded to rebut his PAS but, in its report dated 22 May 2003, the Rebuttal Panel indicated that although there had been procedural irregularities in the PAS process, there were not sufficient grounds for a change in the Applicant's rating.

In the meantime, on 22 March 2002, the P-5 level position of Senior Interpreter in the Applicant's Division was advertised and, on 11 April, he applied for the post. The Departmental Panel agreed with the Programme Manager that another internal candidate be recommended and selected for promotion and the Head of Department endorsed the same candidate when he submitted his recommendation to the APB. In December, the APB met and requested a "detailed comparative evaluation against the requirements of the post" of four candidates, including the Applicant. Upon receipt of same, the APB reconvened and endorsed the promotion of Mr. X., the recommended candidate. On 5 February 2003, the Applicant requested administrative review of the decision to promote the recommended candidate.

Thereafter, in 2003, the Applicant lodged appeals with the JAB contesting both the outcome of the promotion exercise and the report of the Rebuttal Panel. In its report dated 11 February 2005, the JAB concluded that "irregularities in management of [the Applicant's] PAS could reasonably be expected to impinge on his

consideration for promotion” and recommended two months’ salary as compensation. On 31 May, the Under-Secretary-General for Management informed the Applicant that the Secretary-General had decided to accept the JAB’s recommendation to compensate him in the amount of two months’ net base salary. On 24 June, the Applicant filed his Application with the Tribunal, challenging the performance evaluation and rebuttal process as well as the promotion exercise.

III. Insofar as his performance evaluation is concerned, the Applicant disputes the procedural circumstances of his 2000-2001 PAS and the very existence of a 2001-2002 PAS, produced by the Respondent in the proceedings before the JAB.

As a general statement, the Tribunal recalls that “the Organization has to respect and follow its procedures in keeping with what the world expects of the United Nations”. (See Judgement No. 1058, *Ch’ng* (2002), citing Judgement No. 1022, *Araim* (2001).) Having established a formal system of performance evaluation, the Organization is obliged to respect its own rules in this regard: in Judgement No. 1106, *Iqbal* (2003), the Tribunal “reiterate[d] the importance it attaches to complying with procedural rules, as they are of utmost importance for ensuring the well functioning of the Organization”.

In respect of the Applicant’s 2000-2001 PAS, the JAB relied upon the findings of the Rebuttal Panel that “some procedural irregularities” had occurred. The Tribunal, likewise, accepts this position. The Tribunal takes note of the Applicant’s claim for additional compensation as well as the accusations he levels regarding the PAS process. In general, however, it is satisfied that, whilst it is unfortunate that a situation arose in the Arabic Section which resulted in the Applicant and his colleagues having three supervisors in one PAS cycle, thus complicating the evaluation process, at the end of the day, the evaluations were concluded by the correct person, the person who had supervised the work of the Section for the longest period during the PAS cycle. The Applicant annotated his PAS with the following remark,

“[i]n order to undermine my opportunities for promotion, collaborative wisdom has had the former first reporting officer, currently freelance interpreter, rubberstamp an authentic replica of preconceived agenda-driven report of dubious intent. Everything surrounding his appraisal has been conducted in an atmosphere of clandestine secrecy.”

The Tribunal finds that, in signing the PAS as first reporting officer, Mr. A. S. took responsibility for the evaluation contained therein, even if it was initially prepared by another. Notwithstanding the somewhat clumsy way in which his PAS was produced and the defects which affected the evaluation process of the entire Section, the Tribunal considers that the Applicant’s remarks were unnecessarily inflammatory and notes that the correct *modus operandi* for challenging a PAS is through the rebuttal process.

In respect of the document produced as the Applicant’s 2001-2002 PAS, the JAB noted that the Respondent claimed the evaluation was prepared but that the Applicant refused to sign the PAS, whereas the Applicant denied this assertion, countering that he had not even seen the document until the Respondent provided it to the JAB. Obviously, these positions are mutually exclusive. The JAB did not enter into the issue of whether the document was a fabrication in view of its findings that the record “clearly show[ed] that proper procedures were not followed”

and, thus, “procedural irregularities did occur in the preparation of [the Applicant’s] 2001-2002 PAS”. The Tribunal considers that, whether the document was produced fraudulently or erroneously, it is clear that it was not a final evaluation of the Applicant. The Respondent’s contention that the Applicant had participated in the process but refused to sign his PAS is impossible to verify, absent the type of records the Administration ought to maintain, particularly in such unusual circumstances. Accordingly, the Tribunal finds that the document cannot be considered as a legitimate PAS. The Tribunal takes this opportunity to remind the Administration that the preparation of performance evaluations is a duty which should be taken seriously and performed in good faith. Moreover, documents produced in the course of internal processes, including, and in particular, the administration of justice system, must be reliable and authentic.

IV. The issues relating to the Applicant’s PAS cannot be considered in a vacuum. There was a clear nexus between the irregularities impacting upon his PAS and the promotion exercise at hand. Whilst the Applicant in Judgement No. 1331 contested before the Tribunal a series of promotion exercises, but not specifically her performance evaluation, the Tribunal noted that “[n]o-one would deny that it is crucial for a candidate to be able to put forward, within the framework of a promotion exercise, a fair rating ...”. Although the factual circumstances differ in this aspect of the Applicants’ cases, the Tribunal finds that the rights of the Applicant in the instant case were similarly affected. The final outcome of his rebuttal process was not favourable with regards to his overall rating, but it is evident that the Applicant, unable to predict the outcome of the rebuttal process, must have considered that the promotion exercise was being undertaken without complete information on file on his candidacy. The Tribunal notes that the procedural irregularities in the production of his 2000-2001 PAS were such that the rebuttal process was still underway in late 2002 and early 2003, whilst the promotion exercise was being undertaken.

Moreover, the promotion process was inherently corrupted in that it failed to weigh the relative merits of the applicants in an equitable way. It is an essential element of full and fair consideration that candidates are compared in a just manner. This is, indeed, an essential element of good management generally: in Judgement No. 971, *Stepanenko* (2000), the Tribunal held “staff members must be treated equally, a principle which governs the management of the international civil service”. Similarly, in Judgement No. 1221, *Sharma* (2004), the Tribunal recalled that “[a]s stated by the Tribunal in Judgement 268, *Mendez* (1981), ‘equality of treatment is that those in like situation should be treated alike’”.

The basic, yet irredeemable, flaw in the impugned exercise is that the comparative worksheet submitted to the APB on 22 January 2003 included PAS ratings for both 2000-2001 and 2001-2002 for all candidates. With respect to the first of these periods, the ratings under rebuttal for dissatisfied staff members, including the Applicant, were thus assessed against the (higher) ratings of Mr. X., the successful candidate, who was presumably content with his evaluation. With respect to the second of the periods, in view of the findings of the Tribunal in paragraph III above, the result is that a rating for the Applicant which did not legally exist was presented as legitimate and weighed against (presumably) legitimate ratings of other candidates. As the JAB concluded, “the [Applicant’s] ratings in the worksheet reflected performance evaluations produced through a pattern of irregularities; use of those ratings could have impinged on his consideration by the APB for promotion”.

The Applicant, then, received neither full nor fair consideration of his candidacy. It was not full, because it did not contain final, reliable indicators of his performance and it was not fair, because other candidates did have the benefit of valid appraisals. What is more, in view of the known defects in the evaluation process for these particular candidates for promotion during the periods in question, the Tribunal considers that the Administration should have been more circumspect in its use of the PAS ratings. (See, generally, Judgement No. 715, *Thiam* (1995).)

V. Finally, the rationale of the Tribunal in Judgement No. 1331 with respect to promotion is equally applicable to this case:

“VII. First, the Tribunal recalls that staff members are not entitled to be promoted. The Administration has discretionary authority in the area of promotion. (See Judgements No. 275, *Vassiliou* (1981); No. 375, *Elle* (1986); and No. 390, *Walter* (1987).) However, in accordance with consistent jurisprudence, this power is not absolute and must be exercised in such a way as to ensure that staff members are treated fairly.”

The following considerations of the Tribunal in that case with respect to the promotion exercise and the successful candidate are also relevant to the instant case:

“XXXIII. On 12 December 2002, the APB held an initial meeting to consider the recommendation from the Department to promote Mr. X., but reported that it needed more information about the candidates for the post concerned. The Tribunal takes note of an internal memorandum written by the Administration on 7 August 2003 for the purposes of this appeal:

‘After reviewing the documentation presented to it, the Board was not able to make a recommendation on the case, as it was not evident to the Board that the staff member recommended by the Department, Mr. [X.], was the best qualified candidate for the post ... [T]he Board was of the opinion that several other candidates, whom the Department considered to meet all requirements of the post, ... appeared to be better qualified than Mr. [X.] on the basis of superior academic qualifications, knowledge of more languages, and/or higher seniority. The Board requested from the Department a detailed comparative evaluation against the requirements of the post.’”

For reasons which have been explained in paragraph IV above, this comparative evaluation of the contending candidates was intrinsically flawed and defective. Consequently, the Applicant could not have received full and fair consideration.

VI. In view of the conclusions of the Tribunal above, and its relevant findings in Judgement No. 1331, the Tribunal holds that the Applicant has made a *prima facie* case that he was not given full and fair consideration in the impugned promotion exercise. The Tribunal recalls its jurisprudence in Judgement No. 828, *Shamapande* (1997):

“The Tribunal has held repeatedly that, in order to effect the foregoing purpose, it is indispensable that ‘full and fair consideration’ should be given to all applicants for a post. The Respondent bears the burden of proof with respect to this issue. In Judgement No. 362, *Williamson* (1986), the Tribunal held that

‘since the staff member has a statutory right to have “the fullest regard” given to his candidature, the burden of establishing the Administration’s failure to consider that candidacy does not fall upon him. If once called seriously into question, the Administration must be able to make at least

a minimal showing that the staff member's statutory right was honoured in good faith in that the Administration gave its "fullest regard" to it."

In the instant case, the Tribunal finds that the Respondent has not carried his burden of proof.

VII. In calculating the damage suffered by the Applicant, the Tribunal recalls that it can not, and should not, attempt to divine the result of the promotion process, had it been correctly undertaken. Nor is it necessary for the Applicant to prove that, but for the defects, he would have been promoted. As the Tribunal held in Judgement No. 1168, *Tankov* (2004), "[it] cannot say what the outcome would have been, or even what it probably would have been, had the Applicant been given reasonable consideration. ... [T]he violation of his rights as a staff member is such that he is entitled to restitution for the Respondent's failure to afford him proper consideration." Similarly, in this case, the Applicant is entitled to compensation for the violation of his right to full and fair consideration for promotion.

The Tribunal would have assessed compensation for the violations of the Applicant's rights with respect to his PAS and the promotion exercise at three months' net base salary. In view of the fact that he was paid two months' net base salary following the JAB's recommendation, the Tribunal has decided to award him one additional month's net base salary.

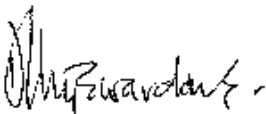
VIII. In view of the foregoing, the Tribunal:

1. Orders the Respondent to pay the Applicant compensation in the amount of one month's net base salary, in addition to the two months' already paid, at the rate in effect at the date of Judgement, with interest payable at eight per cent per annum as from 90 days from the date of distribution of this Judgement until payment is effected; and,
2. Rejects all other pleas.

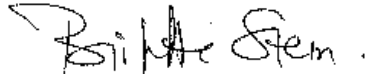
(Signatures)



Jacqueline R. **Scott**
First Vice-President

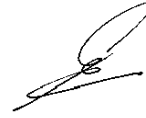


Dayendra Sena **Wijewardane**
Second Vice-President



Brigitte Stern
Member

Geneva, 27 July 2007



Maritza Struyvenberg
Executive Secretary