



**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

SILVA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for Applicant:**

Dorota Banaszewska, OSLA

**Counsel for Respondent:**

Jérôme Blanchard, UNOG/LPAS

## **Introduction**

1. The Applicant, a staff member at the General Service level in the Office of Human Resources (“OHR”), filed the application in which she contests the decision to transfer her from the Administrative and Appeals Section (“AAS”) in the Administrative Law Division to the Global Strategy and Policy Division (“GSPD”).
2. The Respondent submits that the application is without merits.
3. For the reasons set out below, the Tribunal grants the application in part, rescinds the contested administrative decision and awards the Applicant compensation for non-pecuniary harm.

## **Facts**

4. In response to Order No. 131 (NY/2020) dated 1 September 2020, the parties provided a list of agreed facts and some additional factual submissions, which, as relevant, are reflected in the following together with other relevant facts included in the case record.
5. The basic factual circumstances are that the Applicant worked for almost seven years as a legal assistant at the G-5 level in AAS until she was selected as Second Vice-President of UNSU in April 2017. Upon the expiry of the Applicant’s UNSU tenure on 30 April 2019, she was scheduled to return to AAS to her previous post, but against her will, she was instead transferred to another office in OHR, namely GSPD. The reason, in accordance with the Respondent’s closing statement, was that the Applicant’s “in-depth knowledge of” and “ties with” UNSU could potentially result in a conflict of interest in relation to her work for AAS, which, *inter alia*, acts as the Respondent’s Counsel in the Secretariat’s cases before the Dispute Tribunal and all AAS’s staff members have unrestricted access to the Section’s electronic files and systems.

## **Consideration**

### *Scope of the case*

6. The Appeals Tribunal has consistently held that the Dispute Tribunal has “the inherent power to individualize and define the administrative decision challenged by a party and to identify the subject(s) of judicial review”, and “may consider the application as a whole, including the relief or remedies requested by the staff member, in determining the contested or impugned decisions to be reviewed” (see *Fasanella* 2017-UNAT-765, para. 20).

7. Based on the parties’ submissions, the Tribunal defines, as per Order No. 156 (NY/2020) dated 13 October 2020, the issues to be adjudicated upon as follows:

- a. Was it a lawful exercise of discretion to reassign the Applicant from AAS to GSPD based, in accordance with the reply, on an alleged “potential conflicts of interest”?
- b. If not, what remedies, if any, is the Applicant entitled to?

### *Was the reassignment decision lawful?*

#### Legal framework for reassigning a staff member

8. The Applicant holds employment with the United Nations Secretariat, and it follows from art. 101.1 of the United Nations Charter that “[t]he staff shall be appointed by the Secretary-General under regulations established by the General Assembly”. Regarding the Administration’s authority to transfer or reassign staff member, staff regulation 1.2(c) provides that “[s]taff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of the United Nations”.

9. In line herewith, the Appeals Tribunal has held that the Administration enjoys a “broad discretion in staff management, including reassignment or transfer”, but also affirmed that “such discretion is not unfettered” and that the “principle of good faith and fair dealings still applies”. This means that a “reassignment decision must be properly motivated, and not tainted by improper motive, or taken in violation of mandatory procedures”, and such decision can “be impugned if it is found to be arbitrary or capricious, motivated by prejudice or extraneous factors, or was flawed by procedural irregularity or error of law”. See *Chemingui* 2019-UNAT-930, para. 39.

10. In another case concerning transfer, *Orabi* 2018-UNAT-884 (paras. 20-21), the Appeals Tribunal further held that an administrative decision “can be challenged on the grounds that the Administration has not acted fairly, justly or transparently”, and that “the staff member has the burden of proving such factors played a role in the administrative decision”. The Appeals Tribunal added that “[w]hen judging the validity of the Administration’s exercise of discretion in administrative matters, as in the case of the above-mentioned decision, the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate”, and “[t]he first instance Judge can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse”.

11. In *Orabi*, with reference to the Appeals Tribunal’s seminal judgment in *Sanwidi* 2010-UNAT-084, it was further emphasized that that “it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Administration amongst the various courses of action open to it[, nor] is it the role of the Dispute Tribunal to substitute its own decision for that of the Administration”, because “when the Dispute Tribunal (and the Appeals Tribunal) conducts a judicial review”, it “does not engage in a merit-based review”.

The substantive issues under review

12. In light of the above and the parties' submissions, the substantive issues at stake are:

- a. Was applicable procedure followed when deciding to transfer the Applicant?
- b. Was the reason for the decision proper, based on correct facts, and did it not lead to an unreasonable result?
- c. Was the decision tainted by ulterior motives?

13. The Tribunal notes that in the Respondent's closing statement, he also argues that the Applicant's new position with GSPD was commensurate with her grade, skills, competence and skills. Nowhere in the Applicant's closing statement, however, has she challenged this, and the issue is therefore not further examined in the following.

Was the proper procedure followed?

14. The Applicant submits that she was not appropriately consulted or notified regarding the reassignment because she was only informed thereof in "a brief conversation initiated by the Applicant" on 28 March 2019 with the Chief of AAS and subsequently in a "text message". This can "hardly be described as a proper notification, let alone 'consultation'". The Applicant further contends that her reassignment to GSPD "came about in the absence of a job specification, reporting structure or direction as to its longevity".

15. The Respondent submits that "the record shows that the decision was made following consultation with the Applicant and in accordance with the legal framework". On 28 March 2019, at the latest, the Applicant "met with the Chief [of] AAS, to whom she reported", and during this meeting, the Chief of AAS "informed the Applicant that she could not return to AAS due to the conflict of interest resulting

from her tenure as Second Vice-President of UNSU, and the operational challenges those conflicts would pose to AAS”. By a telephone text message of 30 March 2019, the Applicant wrote to the Chief of AAS that, “[I] worry where I will work. [you] know I like [your] office and the team”. Also, by text message, the Chief of AAS responded, “I know. We like you too but try not to worry too much. One step at the time. Think about where in OHR you would have [an] interest in working, given your skills set. Let’s keep talking”.

16. The Respondent contends that the Applicant did not express any preferences, nor did she follow up on the discussion with the Chief of AAS, and therefore knew at the latest on 28 March 2019, more than a month preceding her expected return, that she would not return to her position in AAS. The Applicant was therefore “meaningfully consulted, more than a month before the end of her release to perform UNSU functions, and invited to express her preferences”, and she “had a full month to reflect on the invitation, to seek clarifications, to discuss and to explore available options”, but “did not seize this opportunity and chose not to provide any input to the Chief [of] AAS” and “chose not to respond to the Chief [of] AAS”. Also, the decision was not taken in a “hastily” manner as “the issue of a potential conflict of interest was not new”, because the Applicant was “indeed given full time release to perform her functions of Second Vice-President to resolve that conflict” even though “[u]nder the applicable framework, she would have been entitled to only part time release as the Second Vice President”.

17. The Respondent contends that the Applicant “also knew the reasons for the decision”, and “[t]he fact that she considers that the reasons provided—a conflict of interest resulting from her tenure in UNSU and the operational challenges those conflicts would pose—were invalid is irrelevant”.

18. The Tribunal notes that even though the relevant legal framework provides no guidance on the procedure to be followed for a transfer decision, the general principle of good faith and fair dealings dictates that a staff member should typically—and at a

minimum—be consulted about such transfer before the final decision is made and priorly be provided with a genuine opportunity to comment thereon (see *Chemingui*, paras. 39, as quoted above, and 45).

19. From the Respondent's own submissions follows that the Applicant was not provided with any information about her transfer away from AAS before the 28 March 2019 meeting with the Chief of AAS, and rather than a meaningful consultation about the decision, she was therefore presented with a *fait accompli* about the transfer away from AAS. The fact that the Applicant served as Second Vice-President of UNSU on a full-time basis rather than a half-time basis did not by itself inform her that her tenure with UNSU would subsequently impede her from returning to AAS—this consequence is nowhere stipulated in the relevant legal framework. Nor does it follow from the case record that she had been otherwise apprised about the decision before the 28 March 2019 meeting. The only consultation, if any, which was undertaken with the Applicant was regarding where—in result of the decision to remove her from AAS—she would rather like to work in OHR.

20. The Tribunal further finds that as a matter of good faith and fair dealings, an administrative decision that significantly alters the terms and conditions of a staff member's employment should be notified to this person in a formal written decision. This did not occur in the present case. By the transfer decision, the Applicant was assigned to another post with a different set of terms of references, which was located in another entity, and she was to report to a new first-reporting officer. This decision was, nevertheless, only communicated to her at the 28 March 2019 meeting (no meeting records are even on record) and then affirmed in a private telephone text message, which does not constitute an appropriate formal written notification.

21. Consequently, the Tribunal finds that the process surrounding the transfer decision was flawed.

Was there a conflict of interest?

22. The Applicant, in essence, submits that by the expiry of the Applicant's tenure as Second Vice-President of UNSU, no conflict of interest existed that would prevent her from returning to work with AAS.

23. The Respondent submits that the decision to reassign the Applicant was "properly based on valid operational reasons" and that the "fact that the Applicant disapproved of the transfer or denied that there was a conflict of interest does not by itself render the decision unlawful". The Assistant Secretary-General of OHR "reassigned the Applicant to a position outside of the Administrative Law Division to resolve the potential conflict of interest resulting from the Applicant's former tenure as Second Vice-President of the UNSU, the report of the Applicant's possible misconduct, and her in-depth knowledge of—and ties with—the UNSU".

24. The Respondent contends that from 20 September 2010 until 1 April 2017, the Applicant served at the G-5 level in the Administrative Law Section ("ALS"), which became AAS as of 1 January 2019. In this role, the Applicant "provided administrative support to the team, including the Chief of Section" to whom she reported. AAS provides "legal advice and other support to the senior management on a range of matters, including on matters that relate to the UNSU" and "also represent[s] the Secretary-General in cases brought by staff members before [the Dispute Tribunal], some of which are brought by staff members in their capacity as UNSU members or raises UNSU related matters". As a member of the team, the Applicant "had unrestricted access to shared network resources, internal databases and generic [ALS] email inboxes, thus access to sensitive information of relevance to UNSU matters and other material prepared in view of litigation initiated by UNSU or in relation to UNSU matters". In April 2017, the Applicant was elected as Second Vice-President of the UNSU and "was granted full release from her official functions in AAS to serve on UNSU". The Applicant's term was "expected to end on 31 March 2019 at the end of her two-year term", and during the time of her release on special leave with full pay,



she “had no access to any AAS resources or information”. On 30 April 2019, the Applicant’s release came to an end.

25. The Respondent submits that limiting the Applicant’s access to these shared network resources, internal databases and generic [ALS] email inboxes “posed a real operational challenge, as the network resources, internal databases and generic AAS email inboxes are shared to all team members without restrictions”. It was considered “not feasible to take measures to prevent communication on certain matters between the Applicant and the rest of the AAS team without impeding the work of the entire team” and “likely that cases would emerge, linked with UNSU matters during the Applicant’s tenure as Second Vice-President”. It is the Administration’s duty “to take necessary and appropriate measures to mitigate the risk posed by potential conflict of interest, and ensure, if possible, that such a situation does not happen”, and “[t]he case directly linked to the Applicant’s tenure as Second Vice-President involving allegations of possible misconduct against her illustrates the point” and which “was investigated by the Office of Internal Oversight Service” and “is currently under review”.

26. The Respondent contends that the Applicant’s “employment history from ten years ago is irrelevant to determine the lawfulness of the contested decision”. The “situations are not comparable”—“[t]en years ago was in the very beginning of the professionalized administration of justice”, and information technology (“IT”) “resources and ways of working were different, as well as the assessment of potential conflict of interest and associated risks”, and “the Applicant did not then serve the UNSU in an executive leadership position”.

27. The Tribunal notes that it is trite law that the Administration must provide a reason (or reasons) for an administrative decision that is being challenged by a staff member and that such reason(s) must be proper, be based on correct facts and not lead to an unreasonable result (for transfer decisions in specific, see *Chemingui and Orabi*

as quoted above, and more generally, see, for instance, *Islam* 2011-UNAT-115, *Obdeijn* 2012-UNAT-201, *Rees* 2012-UNAT-266, and *Nouinou* 2019-UNAT-902).

28. In the present case, in the closing statement, the Respondent clarifies that the only reason for transferring the Applicant away from AAS was that a conflict of interest could arise from her prior service as a Second Vice-President of UNSU if she returned to work for AAS as a legal assistant. While the Respondent in some earlier submissions alluded that the transfer was also grounded in a pending disciplinary investigation into some affairs related to the Applicant's tenure with UNSU, the Respondent highlights in the closing statement that, by itself, this circumstance was only an illustrative example of such a conflict of interest. This can only mean that it was not an independent reason.

29. To start with, the Tribunal notes that it is nowhere stipulated in the relevant legal framework governing the Applicant's employment with the United Nations Secretariat that a former UNSU representative cannot assume or return to a position with AAS, or, for that matter, with any other specific entity of the United Nations. The Respondent, nevertheless, premises the Applicant's alleged conflict of interest on her "ties" with UNSU.

30. The Tribunal agrees with the Respondent that serving in a high-level position in UNSU, such as a Second Vice-President, while working in AAS, could in some specific instances amount to a conflict of interest as the two entities could find themselves on opposite sides of the table in some employment-related issues. As the parties also appear to have agreed thereon, it therefore made sense to release the Applicant on a full-time basis while she was serving with UNSU instead of on a half-time basis. At the expiry of the Applicant's tenure with UNSU, her ties with UNSU were, however, cut—she no longer represents the Union in any capacity whatsoever.

31. Consequently, the mere fact that the Applicant was returning to AAS from a position as a Second Vice-President of UNSU did not by itself provide an appropriate

reason for her transfer. As a general matter, any other determination would debilitate the work of UNSU, because staff members, in particular those with experience in the internal justice system and policy-making, would be less inclined to seek representation with the Union if this would mean that their career track with the Organization would subsequently be restricted.

32. The Respondent, in essence, argues that it would be operationally challenging for AAS to restrict the Applicant from access to the cases related to UNSU matters. The Tribunal notes that the Respondent has not stated how many cases this actually counts for and he has not disputed the Applicant's submission that UNSU is only involved in relatively few of AAS's cases. The Tribunal further observes that it would only be reasonable to assume that the Applicant would only be conflicted in those UNSU cases in which she was involved as a Second Vice-President and not all UNSU matters in general. Also, it should be easy to identify those cases.

33. With regard to the limited amount of relevant UNSU-related cases—as also proposed by the Applicant—it would be normal procedure in many jurisdictions to resolve a conflict of interest due to an employee's previous employment by, under certain requirements, preventing the relevant person from access to the pertinent information. Practically, this is done by establishing an information barrier (an “ethics wall”) for the relevant person.

34. The Respondent, nevertheless, argues that all AAS staff members have unrestricted access to all information in its IT system, but fails to explain why an exception could not be made in the case of the Applicant in relation to the relevant, and relatively very few, UNSU-related cases. The Respondent's averment that while AAS's old procedures apparently allowed for restricting access to certain files and that this is not possible with its current IT system is—without the Respondent further explaining the technical reasons—unconvincing, because, if anything, newer IT systems are generally more advanced and user-friendly. In this regard, the Tribunal also takes judicial note of the fact that it is very common for staff members working in

the internal justice system of the Organization to change jobs between different entities that sometimes represent even opposite parties in the employment-related cases of the Organization and that issues of conflict of interest are typically resolved without any noteworthy operational problems.

35. Concerning the pending disciplinary investigation into some affairs related to the Applicant's tenure with UNSU, the Tribunal notes that the Respondent in the joint submission dated 6 October 2020 stated that "the Office of Internal Oversight Services (OIOS) has submitted its investigation report to the Legal Office/Bureau for Management Service, United Nations Development Programme (UNDP), to avoid any perceived conflict of interest". For all intents and purposes, without any prejudice to any future determination(s) of the legality thereof, the Respondent has therefore admitted that any issue of conflict of interest has, at least for the moment, been resolved. On the other hand, the Tribunal understands that a disciplinary investigation could concern matters of such serious nature that this would reasonably inhibit a potentially involved staff member from working in AAS, or a similar entity handling questions related to the internal justice system, at least until the case is (possibly) decided in her/his favor, but the Respondent has not made this submission.

36. Accordingly, the Tribunal finds that the reason provided by the Respondent was not proper and led to an unreasonable result.

Was the contested decision based on bias and improper motivation?

37. The Applicant submits that "the Administration had an ulterior improper motive for not reintegrating [the Applicant] her within AAS and instead reassigning her to GSPD" and that "[a]ll circumstances of [the Applicant's] reassignment are a proof thereof", namely: "the ... previous employment of [the Applicant] with [the Office of Administration of Justice] and ALS following her service with UNSU; "the lack of formal or, as a matter of fact, any proper notification about the reassignment"; "the sudden and haste decision to reassign [the Applicant] to GSPD"; "the lack of any

appropriate consultation concerning the reassignment since a text message or a brief conversation initiated by the Applicant on 28 March 2019 with [Chief of AAS] can hardly be described as a proper notification, let alone ‘consultation’; and “the fact that [the Applicant’s] reassignment to GSPD came about in the absence of a job specification, reporting structure or direction as to its longevity”.

38. The Applicant contends that the circumstances surrounding her reassignment prove that “the Administration did not have any valid reason to reassign [her], apart from its own bias towards a staff member who is subject of an investigation”. In this regard, “it is not within the Administration’s prerogative to simply dispose of a staff member who is subject of allegations of misconduct to another administrative entity”, and “[s]uch prerogative would equal to a disciplinary measure not listed in the closed catalogue of Staff Rule 10.2(a) and imposed while the investigation is still pending”.

39. The Applicant submits that “allegations of bias are extremely difficult to prove” and that “the Tribunal ‘must be prepared to draw inferences from the primary facts’”, referring to the Dispute Tribunal’s judgment in *Simmons* UNDT/2013/050. Where the established facts may tend to show that the possibility of bias or improper considerations “may possibly have infected the process, the onus of proof shifts to the Respondent”, who has “failed to show here that the bias did not in any sense whatsoever taint the decision”.

40. The Respondent, in essence, submits that “the Applicant bears the burden of proving bias and improper motivation”, and “has not met her burden” in that “[s]he has provided no evidence proving bias or improper motive”.

41. The Tribunal notes that the Appeals Tribunal has consistently held that it is for an applicant who claims that improper motives have tainted a decision to substantiate this (see, for instance, *Parker* 2010-UNAT-012, *El Sadek* 2019-UNAT-900 and *Ross* 2019-UNAT-944). As the mental state of the decision-maker will usually be placed in

issue, such evidence might be circumstantial and inferences might be drawn therefrom (see, for instance, *He* 2016-UNAT-686, para. 39).

42. The Tribunal finds that based on the case record, there is not sufficient evidence to substantiate any findings that any ulterior improper motive has tainted the contested decision.

43. Accordingly, the Applicant's contention is rejected.

### *Remedies*

#### Rescission of the contested decision

44. The Applicant requests that the "contested administrative decision be rescinded". The Respondent has made no submissions thereon.

45. Under art. 10.5(a) of the Dispute Tribunal's Statute, the Tribunal may order the rescission of the contested decision, and if this decision concerns appointment, promotion and/or termination, the Tribunal is to set a compensation amount, which the Respondent may elect to pay instead of rescinding the decision. The Appeals Tribunal has, however, held that a transfer decision does not pertain to either of these circumstances (see *Koduru* 2019-UNAT-907, para. 19).

46. The Tribunal finds that since the provided reason was improper, not based on correct facts and the contested administrative decision led to an unreasonable result, it is left with no other option than to rescind it.

#### Non-pecuniary damages

47. The Applicant submits that "as a result of the unlawful reassignment she suffered harm to her physical and mental well-being which needs to be compensated" and describes how this harm developed and manifested itself after she was informed about the transfer decision (the further details are left out for privacy reasons). The

Applicant contends that it “is not coincidental that those symptoms developed or worsened after [her] unlawful reassignment”, and “[o]n the contrary, as it follows from the statements of the medical specialists treating [her], all those symptoms were work-related and followed and resulted from her reassignment”.

48. The Respondent submits that “compensation for harm should be supported by evidence” and that the provided evidence “is not sufficiently credible, reliable and satisfactory in all material respects, and insufficient to discharge the evidentiary burden”. Also, the Applicant has not established “a nexus between her alleged damages and the contested decision”, and the “evidence by the medical practitioners does not establish causality between the two, and the evidence provided by the Applicant’s family members and friends lacks sufficient independence”. The Respondent contends that the Applicant has further failed to mitigate her losses as “she chose not to provide any inputs regarding her reassignment to the Chief [of] AAS”.

49. The Tribunal notes that under art. 10.5(b) of the Dispute Tribunal’s Statute, compensation for harm must be supported by evidence, and the Appeals Tribunal has held that this should be supported by three elements—the harm itself, an illegality, and a nexus between them, and the applicant bears the burden of proof to establish that the harm is directly caused by the Administration’s illegal act (*Kebede* 2018-UNAT-874, paras. 20-21). The Appeals Tribunal further held, “the testimony of [the applicant] is not sufficient without corroboration by independent evidence (expert or otherwise)” (*Langue* 2018-UNAT-858, para. 18, citing *Kallon* 2017-UNAT-742).

50. In support of the Applicant’s submissions, she appends ten witness statements, which in addition to her own testimony, she submits that prove that she suffered compensable harm as a result of the unlawful reassignment. She states that all ten persons would be willing to appear before the Tribunal to give oral evidence.

51. Upon review of these witness statements, the Tribunal finds that it is not necessary for any of the proposed witnesses to appear before it as these statements provide a sufficient evidentiary basis for its determination on remedies:

a. In a medical statement dated 15 October 2020, a medical doctor from the New York-Presbyterian states that the Applicant is under her/his medical treatment for some problems which “may have been related to her work and also stress”. From another document follows that the medical doctor prescribed some medication to the Applicant on 13 November 2019;

b. A different medical doctor from the New York-Presbyterian on 15 October 2020 states in a medical statement that s/he had examined the Applicant for assessed certain symptoms, which “can be worsened by work related functions”;

c. A third medical doctor from the New York-Presbyterian notes in a medical statement dated 15 September 2020 that s/he had done a screening and a test of the Applicant.

d. A medical doctor in an “integrated medicine practice” states in a medical statement dated 24 October 2020 that the Applicant had undergone various treatments in 2019, which the Applicant had expressed “were exacerbated ... due to stress/anxiety ... caused by her work environment”;

e. A United Nations staff counsellor confirms in a statement of 15 October 2020 that she met with the Applicant “several times” in 2019 “to provide support to her, since [the Applicant] was in distress due to work related issues, including the fact that she was not allowed to return to her previous office”;

f. Various friends and a family member indicate that since the Applicant’s transfer away from AAS, her emotional and mental state has significantly deteriorated.



52. Common for all the medical statements is that the Applicant's condition has apparently worsened since her transfer away from AAS and that this may have been exacerbated by work-related reasons, which, however, remain mostly unspecified. In this regard, the Tribunal notes that subsequent to the Applicant's transfer, some affairs related to the Applicant's tenure as Second Vice-President of UNSU have also been subject of a disciplinary investigation for some very serious alleged wrongdoings.

53. Whereas the Tribunal recognizes that being forced to change job for a wrong reason may have caused the Applicant some stress, it further notes that the Applicant has simultaneously been under investigation for transgressions, which has placed her employment with the Organization in a much more precarious situation. The Tribunal therefore finds that the Applicant's different sufferings can only to a limited extent be attributed to the unlawful transfer, which justifies granting only moral damages on the lower spectrum of non-pecuniary compensation.

54. As for the declarations from the Applicant's friends and family, these solely demonstrate that the Applicant is a well-liked individual with a pleasant personality, who has experienced certain difficulties after her transfer away from AAS. This, however, does not by itself change the Tribunal's conclusions based on the medical statements. Similar considerations apply to the statement of the Staff Counsellor.

55. The Tribunal therefore finds that the Applicant should be granted USD3,000 as moral damages (in comparison, it is noted that the Appeals Tribunal awarded USD10,000 for "psychological harm" in *Belkhabbaz* 2018-UNAT-873). As for the Respondent's submission on mitigation, it is not relevant whether she provided any input to where she would want to work instead of AAS.

## **Conclusion**

56. In light of the foregoing, the Tribunal DECIDES that:

- a. The contested administrative decision to transfer the Applicant from AAS to GSPD is rescinded;
- b. The Applicant is awarded USD3,000 in compensation under art. 10.5 of the Dispute Tribunal's Statute;
- c. The compensation amount shall bear interest at the United States of America prime rate with effect from the date this Judgment becomes executable until payment of said compensation. An additional five per cent shall be applied to the United States prime rate 60 days from the date this Judgment becomes executable.

*(Signed)*

Judge Joelle Adda

Dated this 2<sup>nd</sup> day of February 2021

Entered in the Register on this 2<sup>nd</sup> day of February 2021

*(Signed)*

Nerea Suero Fontecha, Registrar, New York