



IN THE MATTER OF:

*R.M., Applicant*

v.

*Chairperson of the African Union Commission, Respondent*

FOR APPLICANT: Steven KAYUNI, Esq.

FOR RESPONDENT: Hajer GUELDICH, Legal Counsel, African Union Commission

BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

HEARD ON: 20 May 2023

JUDGMENT

*Procedural and Factual History*

1. On 17 January 2022, Applicant, the former acting Director of Administration and Human Resources Management (AHRMD) filed an application contesting various implied and affirmative decisions, including the refusal to pay her acting allowance in respect to her acting service during 2006-2007, 2012-2014 and most recently from 2018 to 2021.
2. Respondent filed his written answer on 13 March 2022, after which Applicant submitted her written Observations on 18 April 2022.
3. Applicant began her employment with the African Union in March 2005 as a regular appointee Head, Management of Information Systems (P-5). She maintained this post through the end of her service at the Union. The timelines of the various administrative decisions and implied refusals at issue here are summarized in the following paragraphs.
4. Applicant's first plea is that she had served as acting AHRMD director during 2006-2007, during 2012-2014 and most recently during 2018-2021 without being paid acting allowance payments calculated in accordance with Staff rule 24.2.
5. Applicant's second plea faults Respondent for refusing to upgrade her salary to the D-1 salary grade despite making multiple requests. Applicant first requested a salary upgrade along with six other staff members in December 2016.
6. In November 2018, APROB considered the request for an upgrade and recommended that her salary grade be upgraded to D-1. However, it is not clear if the Chairperson accepted APROB's recommendations.
7. On 22 March 2020, Applicant requested the Chairperson to appoint her as Director of ARMHD, a post she had been occupying on an acting basis since 2018. In the memorandum, Applicant reminded the Chairperson that he had appointed several staff members in similar circumstances.
8. On 15 November 2021, Applicant wrote to the Chairperson once again asking to be upgraded to the D-1 salary grade. Applicant also complained that she had been the subject of targeted audit investigations and asked the Chairperson to expedite closure of these investigations as the investigations were kept open indefinitely thereby harming her professional progress.
9. The Chairperson did not respond to either request made by Applicant. This application followed on 17 January 2022, wherein Applicant asks the Tribunal to declare Respondent implied refusal unlawful and to order various sums of money in material and moral damages.

