



CSAC Appeal 003/2020 – Record of Decision

Appeal 003/2020 was received on 30 April 2020, from the Appellant against the decision of the Respondent to not approve the Appellant's Official Travel Application. The Appellant was notified of the decision on 1 April 2020. The Appellant had previously appealed the decision of the Respondent, made on 4 July 2019, to the CSAC following which it was ordered that the Respondent re-consider the decision.

Following receipt of submissions from both parties a Hearing was set for 28 September 2020. The parties agreed for the appeal to be considered on the papers and not to make any oral submissions or present any live testimony to CSAC. Accordingly, there was no examination or cross-examination of any witness during the hearing. CSAC subsequently considered the written submissions/evidence of both parties along with the relevant sections of the PSML. It is noted that Acting Chairman Olivaire Watler along with members Stacey Vandeveld, Vicki Hulse, and Shomari Scott participated in Appeal Hearing via Zoom.

Jurisdiction

CSAC was satisfied that the Appeal fell within its jurisdiction under s.54 of the Public Service Management Law (the "PSML").

Grounds

The Appellant did not list specific grounds of appeal as required by the PSML but within the statement indicated that the decision appeared to be unfair given agreed performance objectives, and not in compliance with the PSML.

Consideration

The Appellant did not particularise the claim of unfairness nor present any evidence in support of it. Instead, the Appellant seems to have assumed that the failure to reimburse the travel expenses incurred in an effort to satisfy agreed learning objectives was automatically unfair. CSAC a) found that under paragraph 11 of the Personnel Regulations Schedule 1 the approval of the Respondent as the Appointing Officer was required prior to the proposed travel and was not obtained; b) accepted the statement of the Respondent that this power was not delegated to the Head of Department; and c) the Head of Department clearly informed the Appellant that the Ministry had to give final approval of the request. CSAC therefore found that the Appellant was therefore aware at all material times that the proposed travel had not received the required approval and was therefore not official

duties travel. By undertaking the travel the Appellant took the risk that the costs of travel may not be reimbursed notwithstanding that the Appellant did so in order to achieve previously agreed performance objectives.

Conclusion

CSAC concluded that there was no evidence that the Respondent acted in an unfair manner or in breach of the provisions of the relevant part of the PSML when reconsidering the decision to not approve the Appellant's Official Travel Application.

Decision

The appeal was dismissed.

Award

CSAC made no award and no order as to costs.

CSAC's decision was duly issued on 16 October 2020 to both the Appellant and the Respondent's legal representative.



Olivaire Watler
ACTING CHAIRMAN
CIVIL SERVICE APPEALS COMMISSION