



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2013-UNAT-282

**Lauritzen
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before:	Judge Sophia Adinyira, Presiding Judge Luis María Simón Judge Mary Faherty
Case No.:	2011-188
Date of Judgment:	28 March 2013
Registrar:	Weicheng Lin

Counsel for Appellant:	Edward Patrick Flaherty
Counsel for Respondent:	Rupa Mitra

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Ms. Françoise Laurantzen on 1 May 2012 against Judgment No. UNDT/2010/172, rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva on 27 September 2010. The Secretary-General filed an answer on 13 July 2012.

Facts and Procedure

2. The following facts are uncontested:¹

... The Applicant entered the service of [the United Nations High Commissioner for Refugees (UNHCR)] on 23 October 1978 as a Clerk-Typist, G-3 level, in Rome, Italy. In 1980, the Applicant's appointment was converted from the General Service (G) category to the Professional (P) category. On 1 July 1988, her fixed-term appointment was converted to indefinite (100 series of the former Staff Rules, rule 104.12(c)). On 1 January 1999, the Applicant was promoted to P-5 level, and on 1 February 2002, she was appointed as UNHCR Representative in Budapest, Hungary.

... At the time, the UNHCR Representation in Hungary and the Regional Support Unit for Budapest ("RSUB") shared the same premises in Budapest, the former providing administrative support to the latter but not having any direct authority over its activities. Both the Representation and RSUB reported directly to the Regional Bureau for Europe ("RBE"), at UNHCR Headquarters in Geneva.

... In March and April 2003, within the framework of exchanges of emails concerning a clarification of reporting lines and roles for all UNHCR staff based in Budapest, the Director, RBE, asked the Applicant to provide him with a written assessment of the situation regarding relations between the Representation and RSUB. The Applicant told him that she could not provide such an assessment, as the problem in her view was the need to clarify reporting lines.

... In July 2003, the Director, RBE, suggested involving the Mediator. The Applicant did not agree with that proposal on the grounds that there were no problems in Budapest that she could not solve herself and/or that would justify intervention by the Mediator.

¹ The facts are taken from Judgment No. UNDT/2010/172, paragraphs 4-40.

... In October 2003, the Senior Administrative Officer, RBE, undertook a mission to Budapest to clarify the respective responsibilities of the Representation and RSUB.

... From 3 to 4 November 2003, the Director, RBE, and the Head of the Political Unit, RBE (who at the time was the RSUB supervisor), undertook a mission to Budapest in order to review interpersonal problems between the Applicant and RSUB.

... On 17 November 2003, the entire staff of the UNHCR Representation in Hungary, including the Applicant, signed and sent to Headquarters, with a copy to the Director, RBE, a petition against the Senior Regional Programme Officer, RSUB.

... By email dated 21 November 2003, the Director, RBE, criticised the Applicant for signing the petition in question. He considered that such an act on the part of a manager was inappropriate, all the more so as it could only exacerbate existing tensions in Budapest.

... By email dated 19 January 2004, the Director, RBE, forwarded to the Applicant his report dated 9 January 2004 on his mission of 3-4 November 2003 to Budapest. In his email, the Director regretted that the situation in Budapest did not seem to have improved since his mission, as could be seen by the petition against the Senior Regional Programme Officer, and asked the Applicant to come to Geneva to discuss the measures he intended to take in order to follow up his mission report and to put an end to a dysfunctional situation that had gone on too long. As for the report, it concluded that problems were largely personality rather than structurally driven and that there was a level of tension between the Applicant on the one hand and the Chief of RSUB and the Senior Regional Programme Officer on the other hand. Among the four options envisaged to overcome the problems encountered was the appointment of a new Representative in Budapest, which was justified as follows:

The continued failure by the principal protagonists to engage constructively in building relations between the Representation and the RSUB may require a change of Representative. The actual and potential costs of continuing dysfunctionality are too high.

The other options proposed were an inspection, a team-building exercise facilitated by the Staff Counsellor, and the intervention of the Mediator. The two latter options were however immediately ruled out as being unlikely to resolve the situation.

... On 29 January 2004, the Applicant travelled to UNHCR Headquarters in Geneva to discuss the above-mentioned report with the Director, RBE. At the meeting, the Director informed the Applicant that, given the situation in Budapest, he had decided—in consultation with the High Commissioner—to withdraw her from her functions as Representative, effective as of 1 March 2004. That same day, he sent the Applicant a note for the record on the meeting and gave her the opportunity to submit comments.

... On 30 January 2004, the Applicant sent an email to the High Commissioner requesting an inspection in Budapest prior to her withdrawal.

... By email dated 4 February 2004, the Applicant asked the Director, RBE, when the Division of Human Resources Management (“DHRM”) would contact her regarding the implementation of the decision to remove her from her post. That same day, the Director, RBE, replied that DHRM was waiting for the note for the record on their meeting, into which the comments from the Applicant received the previous day had just been incorporated and which would be forwarded immediately.

... On 6 February 2004, the Applicant sent an email to the Inspector General of UNHCR, requesting an inspection in Budapest prior to her withdrawal.

... By letter dated 9 February 2004, DHRM informed the Applicant of the administrative formalities further to the High Commissioner’s decision to relieve her of her functions as UNHCR Representative in Hungary as of 1 March 2004 and in particular of the fact that she would be placed on special leave with full pay [SLWFP] as a staff member in between assignments (“SIBA”).

... By email dated 10 February 2004, the UNHCR Inspector General advised the Applicant that the decision to withdraw her from her functions as Representative in Hungary was not a matter for an inspection.

... On 17 February 2004, the Applicant wrote to the Secretary-General requesting review of the High Commissioner’s decisions to (i) withdraw her as UNHCR Representative in Hungary and (ii) to place her on special leave with full pay instead of immediately reassigning her to a post commensurate with her grade, training, skills and experience.

... On 18 February 2004, the Applicant wrote to the Secretary of the Geneva Joint Appeals Board (“JAB”) to request a suspension of action. On 25 February 2004, the JAB recommended to the Secretary-General to reject the Applicant’s request for suspension of action. The Secretary-General accepted the said recommendation the following day.

... On 10 March 2004, the Applicant provided the Administration with a medical certificate.

... On 24 March 2004, the Director, DHRM, informed the Applicant of the High Commissioner’s decision to appoint her as Chief of Mission in Turkmenistan.

... The Applicant did not take up her functions because she was placed on sick leave from 28 April 2004 until 31 July 2004. As of that date, she remained on special leave with full pay until her retirement on 30 June 2008.

... On 11 May 2004, the Applicant lodged an appeal with the Geneva JAB.

... On 6 July 2004, the Applicant submitted a request to the Special Constraints Panel (“SCP”) for an exception to the staff rotation policy, due to the health status of a dependent child. By letter dated 3 September 2004, the Director, DHRM, informed the Applicant that on the basis of a recommendation by SCP, her appointment to Turkmenistan had been rescinded and her applications to posts in Geneva and Europe would be supported.

... On 5 July 2006, JAB submitted its report to the Secretary-General, recommending that the Applicant’s appeal be rejected. JAB concluded, first, that an appeal against the decision to appoint her as UNHCR Representative in Turkmenistan was not receivable because the Applicant had not requested administrative review of the said decision, which had moreover been rescinded. It further concluded that the decisions to remove the Applicant from her post as UNHCR Representative in Hungary and to place her on special leave with full pay on SIBA status flowed from the proper exercise of the Secretary-General’s discretionary authority.

... By letter dated 14 July 2006, JAB informed the Applicant that its report had been sent to the Secretary-General.

... By letter dated 19 December 2006, which the Applicant says she never received, the Under-Secretary-General for Management forwarded to the Applicant a copy of the JAB report and informed her of the Secretary-General's decision to follow the JAB recommendation and not to take any further action in the case.

...

... On 6 May 2008, after having requested and received two extensions from the former Administrative Tribunal, the Applicant submitted her appeal.

... On 30 June 2008, the Applicant retired, having reached mandatory retirement age.

...

... The case, on which the former Administrative Tribunal was unable to rule before it was abolished on 31 December 2009, was transferred to the United Nations Dispute Tribunal on 1 January 2010.

...

... By letter dated 2 September 2010, the Applicant informed the Tribunal that she wished to call two witnesses to the hearing and asked to be given until 15 September 2010 to disclose their identity. On 3 September 2010, the Tribunal answered, asking the Applicant to submit their written testimony no later than 14 September 2010.

... By email dated 14 September 2010, the Applicant submitted to the Tribunal the testimonies of three serving or former staff members of UNHCR. The Tribunal received a signed version of the said testimonies on 15, 19 and 20 September 2010, respectively.

3. The UNDT in Geneva rendered Judgment No. UNDT/2010/172 on 27 September 2010. The UNDT found that Ms. Lauritzen had failed to establish that the decision to remove her from her post in Budapest and the decision to place her on SLWFP were illegal. It, however, found that the decision to keep her on SLWFP as a SIBA for over four years, until her retirement, was not legal and awarded USD 15,000 as moral damages.

Submissions

Ms. Lauritzen's Appeal

4. Ms. Lauritzen submits that the UNDT erred in determining that her withdrawal as Representative in Hungary was lawful when it in fact was a disguised disciplinary measure. She

specifically submits that UNHCR's failure to use the term "misconduct" was not determinative of whether or not her removal from her post was not a disguised disciplinary measure.

5. Ms. Lauritzen submits that the UNDT failed to take into account or attach sufficient weight to the report of the Director, RBE, which found that the Senior Regional Programme Officer was the principal protagonist in the tensions in the Budapest Branch Office and took note of the complaints leveled against her by the national staff. In her view, the only reasonable inference that can be drawn is that her signing the confidential petition against the Senior Regional Programme Officer was the reason for her removal from her post, especially in light of the positive view of the Director, RBE, of the Budapest Branch Office after his November visit.

6. Ms. Lauritzen contends that the UNDT failed to consider evidence supporting the excellent relationship she entertained with the national staff and members of the RSUB; that the tensions were created by the Senior Regional Programme Officer's behaviour towards the local staff; and that there was no harassment of the Senior Regional Programme Officer by Ms. Lauritzen.

7. Ms. Lauritzen avers that the UNDT failed to consider evidence that revealed that senior managers of UNHCR never recommended Ms. Lauritzen for any positions and that as a result, she remained on SLWFP as a SIBA.

8. The UNDT omitted to consider that UNHCR never gave proper reasons for her removal, that it failed to conduct an investigation, and denied Ms. Lauritzen the opportunity to respond in the process leading up to the removal decision. It further failed to consider the fact that UNHCR disallowed Ms. Lauritzen to stay in Hungary after her removal, that UNHCR paid her post adjustment commensurate with a staff member in Hungary while Ms. Lauritzen resided in France; and that UNHCR attempted to prevent her from entering the Budapest office.

9. The UNDT erred in law by failing to compensate Ms. Lauritzen in accordance with applicable legal principles relative to the award of moral damages. The UNDT failed to apply the principle of equal treatment. It failed to consider the exceptional nature of her placement on SLWFP as a SIBA; and the abuse inherent in being placed on such leave for a prolonged period of time. The UNDT further failed to attach sufficient weight to the damage to Ms. Lauritzen's reputation and dignity, and the stress and uncertainty she endured over 52 months. Finally, the

UNDT failed to recognize that her removal was unlawful and thus failed to compensate her on that ground.

10. Ms. Lauritzen submits that she was denied due process before the UNDT. She was only put on notice of the hearing three weeks before it took place and as a consequence she could only make available three of the 15 witnesses she intended to call. Moreover, the UNDT did not allow an oral examination of these witnesses, but decided that these witnesses could present their evidence only in writing. Ms. Lauritzen was therefore denied the right to participate in the examination of the evidence and the opportunity to enjoy fair proceedings.

11. Ms. Lauritzen requests that the Appeals Tribunal vacate the UNDT Judgment; rescind UNHCR's decision to remove her from the post of Representative to Hungary; award her the difference between the post adjustment applicable for Hungary and the post adjustment applicable for France with retroactive effect from 1 March 2004, the date she was removed from her post, until her retirement; award her USD 25,000 for legal costs in relation to her appeal; award her USD 250,000 for moral damages or the equivalent of two years' net base salary, whichever is greater; and interest on monetary damages awarded at the market rate from 1 March 2004 to the date of the Appeals Tribunal's Judgment. Ms. Lauritzen asks that the Appeals Tribunal hold an oral hearing on her appeal.

Secretary-General's Answer

12. Ms. Lauritzen has failed to establish that the UNDT erred in determining that her withdrawal as Hungary Representative was lawful. In determining that there was no disguised disciplinary measure, the UNDT considered all relevant facts. The UNDT took into consideration the fact that Ms. Lauritzen was not given the option to stay in Budapest; that Ms. Lauritzen was not selected for a further post; and that she was given the opportunity to respond during the process leading up to the withdrawal decision.

13. The Secretary-General submits that Ms. Lauritzen has not established that the UNDT made any errors of procedure violating Ms. Lauritzen's due process rights in determining that her withdrawal as Hungary Representative was lawful. It is within the UNDT's discretion to manage its cases as it sees fit and in the case at bar, the UNDT was not required to hear oral testimony.

14. The Secretary-General submits that Ms. Lauritzen has not established any errors in the Judgment that would warrant an increase in the compensation ordered for moral damages.

15. The Secretary-General submits that Annex B to Ms. Lauritzen's appeal contravenes the requirements of the Rules of Procedure of the Appeals Tribunal and should therefore not be taken into consideration.

16. The Secretary-General requests that the Appeals Tribunal dismiss the appeal in its entirety.

Considerations

Preliminary issues

17. Ms. Lauritzen attached to her brief a document "Annex B" that contains a further brief in support of the arguments already set forth in the appeal brief. The Secretary-General submits that Annex B seeks to circumvent the 15-page requirement under Article 8 of the Rules of Procedure and should therefore not be taken into consideration.

18. Article 8 of the Rules of Procedure of the Appeals Tribunal provides at paragraphs (a) and (b) as follows:

1. Appeals shall be submitted on a prescribed form.
2. The appeal form shall be accompanied by:

(a) A brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal that is relied upon ... The brief shall not exceed 15 pages.

(b) A copy of each document referred to by the appellant in the appeal ... such documents shall be identified by the word "Annex" at the top of the first page of each document followed by sequential arabic numerals.

19. We uphold the Secretary-General's submission as Annex B is not the type of document envisaged in Article 8(2)(b) of the Rules of Procedure.

20. Furthermore, on the grounds that Ms. Lauritzen had the opportunity to make a full written argument on all issues and provided the Appeals Tribunal with no adequate reason for an oral hearing, the Appeals Tribunal rejects Ms. Lauritzen's request.

Appeal

21. This appeal stems from the removal of Ms. Lauritzen as the UNHCR Representative in Budapest, Hungary, on 1 March 2004, and her placement on SLWFP as a SIBA until her retirement on 30 June 2008.

22. Ms. Lauritzen's appeal is based on grounds of procedural errors, as well as errors of law and fact under Article 2(1) of the Statute of the Appeals Tribunal.

Procedural Errors

23. Ms. Lauritzen submits that her due process rights were violated as the UNDT did not allow an oral examination of her witnesses but decided that these witnesses present their evidence in writing.

24. Article 9(2) of the UNDT Statute provides: "The Dispute Tribunal shall decide whether the personal appearance of the applicant or any other person is required at oral proceedings and the appropriate means for satisfying the requirement of personal appearance."

25. Similarly Article 17(6) of the UNDT Rules of Procedure provides: "The Dispute Tribunal shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means."

26. It is well within the competence of the UNDT to manage its cases as it sees fit. In *Yapa*, the Appeals Tribunal held:

It is clear from [the above provisions] that it is for the Tribunal to decide whether anyone's presence at oral proceedings is required. In the present case, the Dispute Tribunal decided that even though the Applicant had requested that certain witnesses should be heard, it was not necessary to satisfy this request since the parties could give full explanations in writing and that it was not necessary to hear witnesses.²

² *Yapa v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-168, para. 32. See also *Gehr v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-236; *Larkin v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-134 and *Messinger v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-123.

27. The UNDT exercised its discretion and directed that the witnesses of Ms. Lauritzen present their testimonies in written form, with which two complied. Ms. Lauritzen has not demonstrated how the procedure adopted affected or violated her due process rights. The appeal on this ground is dismissed.

Errors of law and fact

Did the UNDT err in law or fact in determining that her withdrawal as Representative in Hungary was lawful?

28. Staff Regulation 1.2(c) provides: “Staff members are subject to the authority of the Secretary-General and to assignment by him or her to any activities or offices of the United Nations. ...” Staff Regulation 1.2(c) thus gives the Secretary-General broad discretionary powers when it comes to organization of work. It is well established that, notwithstanding the width of the discretion conferred by this provision, it is not unfettered and can be challenged on the basis that the decision is arbitrary or taken in violation of mandatory procedures or based on improper motives or bad faith.

29. Ms. Lauritzen submits that the UNDT erred in determining that her withdrawal as Hungary Representative was lawful when it in fact was a disguised disciplinary measure. In her view, the only reasonable inference that can be drawn is that her signing the confidential petition against the Senior Regional Programme Officer was the reason for her removal from her post, especially in light of the report of the Director, RBE.

30. Ms. Lauritzen complains that the UNDT was not determinative of whether or not her removal from her post was not a disguised disciplinary measure.

31. From the uncontested facts cited in paragraph 2 above, the disagreements between Ms. Lauritzen and the Senior Regional Programme Officer negatively impacted on the smooth running of affairs in Budapest.

32. The UNDT stated in paragraphs 54 and 55 of its Judgment:

... It emerges from these missions and reports that [the] problems were largely personality rather than structurally driven. The Applicant’s supervisors did not criticize her for misconduct which could give rise to disciplinary proceedings, but at most for professional behaviour which reflected her inability to resolve the

interpersonal difficulties in which she was implicated, even though she was not the only person responsible. The fact that the Director, RBE, expressed his surprise to the Applicant that she, despite her position as Representative, had signed a petition by certain staff members against the Senior Regional Programme Officer does not suffice to establish that her supervisor had the intention of punishing her for that act, or even that there were grounds to institute disciplinary proceedings.

... Consequently, the Applicant has failed to establish that the decision to remove her from her post in Budapest constitutes a disguised disciplinary measure.

33. We affirm this finding.

34. Ms. Lauritzen submits further that the UNDT failed to consider the fact that UNHCR denied her the opportunity to respond to the removal decision.

35. We recall our holding in *Obdeijn* that “the Administration cannot legally refuse to state the reasons for a decision that creates adverse effects on the staff member, such as a decision not to renew [a fixed-term appointment], where the staff member requests it or, a fortiori, the Tribunal orders it”.³

36. However, contrary to Ms. Lauritzen’s claim, the UNDT found that she had an opportunity prior to the date on which the impugned decision was taken, to present her observations on her possible removal from her post and on the grounds for the said decision.

37. Paragraphs 60 and 61 of the UNDT Judgment set out the opportunities offered to her:

... Notwithstanding, whereas the impugned decision is not a disciplinary measure, the said decision was taken based on the personal circumstances of the Applicant and could only have been lawfully taken if she had had an opportunity to submit her views, which the Applicant denies she was given.

... Yet in March 2003, the Applicant was informed of problems between UNHCR staff members stationed in Budapest and had an opportunity to express her views on those difficulties on several occasions throughout 2003. Subsequently, on 19 January 2004, the Director, RBE, forwarded to the Applicant his report of 9 January 2004 in which, among the four options envisaged to resolve those problems, only two were retained, including the appointment of a new UNHCR Representative in Budapest. Even though she was not explicitly asked to do so, nothing prevented the Applicant

³ *Obdeijn v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-201, para. 37.

from submitting her written observations on that report which, moreover, she was asked to come to Geneva to discuss. On 29 January 2004, the Applicant thus had a meeting with the Director, RBE, in the course of which she was informed of his decision, taken in consultation with the High Commissioner, to remove her from her post. Subsequently, she had an opportunity to comment on the note for the record on that meeting.

38. We therefore find no merit in this ground of appeal.

39. There were several options open to put an end to the situation in the Budapest Office. This Tribunal is of the view, given the broad discretionary powers that Staff Regulation 1.2(c) gives the Secretary-General when it comes to organization of work, that it was entirely within the discretion of the Secretary-General to decide to remove her from the post. We recall what this Tribunal stated in *Sanwidi*:

When judging the validity of the Secretary-General's exercise of discretion in administrative matters, the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. The Tribunal can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse. But it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Secretary-General amongst the various courses of action open to him. Nor is it the role of the Tribunal to substitute its own decision for that of the Secretary-General.⁴

40. The UNDT correctly judged the validity of the Secretary-General's exercise of discretion in administrative matters. We affirm the finding by the UNDT that the withdrawal of Ms. Lauritzen from the Budapest post was lawful.

41. We also find that Ms. Lauritzen's placement on SLWFP as a SIBA is in accordance with Staff Rule 105.2(a) in force at the time. However, as noted by the UNDT:

[I]t is also clear from the rule in question that, even though it is used by UNHCR to justify the payment of staff members' salary on SIBA status, it may only be used on an exceptional basis for a limited duration, given that special leave with full pay may only be granted in the interest of the Organization, and it cannot be seriously argued that it is in the interest of the Organization to pay a staff member for several years-four years and four months in this instance- without giving her any work.

⁴ *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-084, para. 40.

42. We find that UNHCR's failure to assign Ms. Lauritzen to an alternate post commensurate with her grade, training, skills and experience, and its failure to recommend her for any other job for fifty-two months is unacceptable, unproductive, and demonstrates poor management of the financial interests of the Organization. As long as Ms. Lauritzen remained a UNHCR staff member, she not only was entitled to be paid but also had a right to be given work. It is the moral right of a staff member to be given work to do in order to earn his or her salary.

43. This Tribunal, in *Parker*,⁵ found that the practice of placing staff on SLWFP for a long period is unproductive and not in the interest of the Organization. The jurisprudence of the former Administrative Tribunal also found the practice unacceptable.⁶ "A staff member is greatly harmed when confined to staying home without duties or office, resulting in a loss of self respect and morale."⁷ Similarly, the Administrative Tribunal of the International Labour Organization (ILOAT) has held that "[a] decision to place a senior officer on leave with or without pay ... is one that will almost certainly carry adverse consequences for his or her career. Where, as here, the decision is unlawful, the person concerned is entitled to compensation."⁸

44. The UNDT correctly held that Ms. Lauritzen must be compensated for the moral damage she suffered flowing from the illegality committed by keeping her on SLWFP as a SIBA for more than four years. Ms. Lauritzen was awarded USD 15,000.

45. Ms. Lauritzen complains that the UNDT failed among others things to attach sufficient weight to the damage to her reputation and dignity and to the stress and uncertainty she endured over 52 months. She thus asks for enhanced damages in the amount of USD 250,000 or the equivalent of two years' net base salary, whichever is greater.

46. We note that the UNDT considered all these factors before reaching the quantum awarded. In particular, the UNDT considered that

the illness certified for the period of December 2007 to March 2008 can be at least partly ascribed to her being kept inactive. In addition, the Applicant, who applied for a great many posts unsuccessfully and without receiving any serious job offers from UNHCR, became increasingly anxious as time passed and her retirement date came

⁵ *Parker v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-012.

⁶ Former Administrative Tribunal Judgment No. 1411 (2008).

⁷ Former Administrative Tribunal Judgment No. 1172 (2004), para. X.

⁸ ILOAT Judgment No. 2324 (2004), para. 13.

closer. Finally, the Applicant explained at the hearing that owing to the long period of inactivity, she had lost all of her contacts at UNHCR and her desire to work in the humanitarian sector after she retired had been negatively affected.

47. Accordingly, we find the compensation awarded to be adequate. The appeal on this ground is also dismissed.

Judgment

48. The appeal is without merit and is dismissed in its entirety. The UNDT Judgment is affirmed.

Original and Authoritative Version: English

Dated this 28th day of March 2013 in New York, United States.

(Signed)

Judge Adinyira, Presiding

(Signed)

Judge Simón

(Signed)

Judge Faherty

Entered in the Register on this 24th day of May 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar