

# UNDT/2009/003, Hepworth

## UNAT Held or UNDT Pronouncements

UNDT noted that a request for suspension of action can only be granted in cases where all criteria have been satisfied: prima facie unlawfulness, urgency, and irreparable damage. UNDT held that the contested decision in the present case did not appear to be prima facie unlawful. UNDT accordingly did not further examine whether the matter was urgent and/or whether the implementation of the contested decision would cause irreparable damage. UNDT also held that the decision of non-renewal was not an improper exercise of discretion. UNDT held that there was no evidence that the non-renewal decision was a veiled disciplinary sanction for the Applicant's previous non-compliance with respect to his transfer to Nairobi. UNDT rejected the Applicant's request.

## Decision Contested or Judgment/Order Appealed

The Applicant requested suspension of the decision not to extend his fixed-term appointment beyond its expiration date.

## Legal Principle(s)

A request for suspension of action can only be granted in cases where all criteria have been satisfied. All three of the requirements for suspension – prima facie unlawfulness, urgency, irreparable damage – have to be fulfilled in a cumulative way.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Hepworth

## Entity

UNEP

## Case Number(s)

UNDT/GVA/2009/38

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

22 Jul 2009

## Duty Judge

Judge Laker

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Non-renewal

No expectancy of renewal

Suspension of action / interim measures

## Applicable Law

Staff Regulations

- Regulation 4.5

UNDT Statute

- Article 2.2

## Related Judgments and Orders

2011-UNAT-178