

UNDT/2009/004, Fradin de Bell

UNAT Held or UNDT Pronouncements

Unlawfulness: There has to be evidence to establish that, at the very least, it is probable that the non-renewal decision of itself was unlawful. Irreparable harm: Harm is irreparable if it can be shown that suspension of the action is the only way to ensure that the applicant's rights are observed. Although the applicant has expectation of fair treatment, any breach of due process in this case is capable of being compensated financially or by correction of the performance record. Should he be ultimately vindicated, he can get compensation for any losses arising out of defects in the performance management applied to him. Outcome: The application was dismissed.

Decision Contested or Judgment/Order Appealed

The applicant contested the 22 May 2009 decision not to extend his appointment of limited duration beyond its expiry date of 31 July 2009. The applicant applied for a suspension of action, pending the outcome of management evaluation, on the decision not to extend his appointment of limited duration beyond its expiry date of 31 July 2009. He also requested that his contract be renewed until the rebuttal process is completed and, if the outcome is not satisfactory to him, until there is a hearing on the merits of the case by the Tribunal (the rebuttal process was ongoing at the time of the filing of the suspension of action application).

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Fradin de Bell

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2009/101

Tribunal

UNDT

Registry

New York

Date of Judgement

31 Jul 2009

Duty Judge

Judge Shaw

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Suspension of action / interim measures

Applicable Law

Staff Rules

- Rule 11.4

UNDT Statute

- Article 2.2