

UNDT/2009/019, Balestrieri

UNAT Held or UNDT Pronouncements

UNDT held that the application was receivable *ratione temporis* and *ratione materiae*. UNDT held that it could not be stated that the decision of nonrenewal was an improper exercise of discretion. UNDT held that the evidence showed that the Applicant's appointment was not renewed because there was no further funding available. UNDT held that there was no evidence to support the Applicant's contention that the decision to extend her contract in January 2008 using Joint Integrated Technical Assistance Programme funds, while she was working on other projects, was done in order to prepare the ground for her separation. UNDT held that the Applicant did not have a legitimate expectancy of having her contract renewed. UNDT held that the Applicant did not submit a formal complaint of harassment, thus the International Trade Center (ITC) Management was not bound to disclose the outcome of the preliminary investigation to her. UNDT held that the Respondent was not compelled to disclose the outcome of the investigation to the Applicant because she never submitted a written complaint of harassment. UNDT held that there was no evidence that showed that the Applicant could have been deprived of her right to file a formal complaint irrespective of the preliminary investigation conducted by ITC Management. UNDT rejected the application.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her temporary appointment.

Legal Principle(s)

Fixed-term appointments do not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Balestrieri

Entity

ITC

Case Number(s)

UNDT/GVA/2009/009

Tribunal

UNDT

Registry

Geneva

Date of Judgement

16 Sep 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Temporary appointment

Investigation

Non-renewal

No expectancy of renewal

Applicable Law

Administrative Instructions

Former Staff Rules

- Rule 204.3

Related Judgments and Orders

2010-UNAT-041