

# UNDT/2009/073, Wysocki

## UNAT Held or UNDT Pronouncements

There was no basis for inferring the non-renewal was due to irrelevant or improper considerations. Both the applicant and the DCD believed they were telling the truth; their different perspectives simply led them to a different understanding of what had been said. Outcome: The appeal dismissed.

## Decision Contested or Judgment/Order Appealed

The applicant was appointed by the United Nations Development Programme to a position of “Policy Advisor – Local Governance” in Vietnam, funded by the Spanish Government. Although the applicant’s contract was for one year, that part of the programme for which he was responsible was expected to last for several years. However, it was difficult to obtain the cooperation on key elements of the local government and progress was slow. The applicant was told by his manager, the Deputy Country Director (DCD), that his contract would not be renewed. The applicant alleged that the reason given was his poor performance. The DCD denied this, saying there was no criticism of the applicant's personal performance but that the programme had not gone as well as expected and UNDP had adjusted its priorities. There were also doubts concerning funding, which the Spanish government eventually withdrew. The applicant appealed against the decision not to renew his contract upon the ground that it was motivated by irrelevant or improper considerations.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Wysocki

## Entity

UNDP

## Case Number(s)

UNDT/NY/2009/065/JAB/2009/012

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

11 Nov 2009

## Duty Judge

Judge Adams

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Non-renewal

Arbitrary or improper motive