

UNDT/2010/004, Dumornay

UNAT Held or UNDT Pronouncements

Outcome: Held that a preponderance of evidence supports that the impugned changes were motivated by genuine organizational readjustments and were not influenced by any improper considerations. Held the preponderance of evidence established that the Organization had acted appropriately. Application dismissed.

Decision Contested or Judgment/Order Appealed

The applicant contests a decision to separate her from service upon abolition of her post. She claims the respondent created another post with a different job title which was essentially the same as her post in order to employ another staff member on a fixed-term appointment whom the Administration wished to retain.

Legal Principle(s)

The principle of open justice is a fundamental element of the Tribunal's exercise of its jurisdiction and requires a hearing unless there are good reasons for not holding one.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Dumornay

Entity

UNICEF

Case Number(s)

UNDT/NY/2009/016/JAB/2008/018

Tribunal

UNDT

Registry

New York

Date of Judgement

13 Jan 2010

Duty Judge

Judge Adams

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Termination (of appointment)

Abolition of position

Applicable Law

Administrative Instructions

Former Staff Rules

- Rule 109.1(c)(i)

UNDT RoP

- Article 16.6