

UNDT/2010/090, Solomon

UNAT Held or UNDT Pronouncements

According to former staff regulations 9.1 and 9.3, the decision to offer an agreed termination is within the discretion of the Secretary-General. In accordance with the “note on agreed termination”, a guideline used by Administration to ensure equal treatment, the applicant was not in a situation in which the Organization may have considered that an agreed termination was in the interest of the good administration. In fact, his health problems were not grave enough to prevent the proper exercise of his functions in accordance with the recommendations of the Medical Joint Service. Neither did the applicant ever face performance problems. In addition, the case record does not contain any evidence to support the applicant’s allegation that the Administration had promised him an agreed termination. Outcome: The application was rejected.

Decision Contested or Judgment/OrderAppealed

The applicant who worked as Archives Assistant on a permanent appointment suffered from back pain. In August 2008, the Joint Medical Service, after a medical review of the applicant’s conditions of work, concluded that he was able to perform his duties and recommended that his efforts to carry out his tasks should be taken into account. The Chief Librarian, who initially had requested an early retirement for the applicant, then requested an agreed termination. By letter dated 7 September 2009, UNOG informed the applicant that the documents provided by the Library did not provide sufficient justification for an agreed termination. The applicant retired, at normal age, on 30 September 2009. He alleges that an agreed termination was promised to him.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Solomon

Entity

UNOG

Case Number(s)

UNDT/GVA/2010/068

Tribunal

UNDT

Registry

Geneva

Date of Judgement

9 May 2010

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Termination (of appointment)

Health reasons

Applicable Law

Former Staff Regulations

- Regulation 9.1
- Regulation 9.3