

UNDT/2010/144, Perosa

UNAT Held or UNDT Pronouncements

It is not the function of the Tribunal to review the prior JAB report, but to consider whether the respondent acted properly and with due regard to the applicant's due process rights in deciding to appoint the applicant at the G-3 level. It is incumbent upon any party making serious allegations to produce supporting evidence. It was for the applicant, as a freely contracting person, to decide whether or not to accept the appointment and she did so on the basis of the clear oral and written conditions governing her appointment. Outcome: Application dismissed in its entirety.

Decision Contested or Judgment/Order Appealed

The applicant contested the decision to appoint her at the G-3 level, after applying and being selected for a temporary G-4 vacancy. The applicant was informed at the time of signing her letter of appointment that she could not be appointed at the G-4 level. A note was placed in the applicant's file by human resources recording that that the applicant had been informed of this. The respondent contended that the applicant did not have sufficient experience to be appointed at the G-4 level.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Perosa

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/009/UNAT/1594

Tribunal

UNDT

Registry

New York

Date of Judgement

13 Aug 2010

Duty Judge

Judge Meeran

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Temporary appointment

Classification (post)

Due process

Applicable Law

Administrative Instructions

- ST/AI/1998/9
- ST/AI/234/Rev.1
- ST/AI/292

Secretary-General's bulletins

- ST/SGB/1997/1