

UNDT/2010/196, Goddard

UNAT Held or UNDT Pronouncements

Whether the decision was prejudiced, arbitrary and based on abuse of authority and improper motives: Apart from one letter in which he complained bitterly about the leadership of the CMS, the Applicant did not lead any evidence to substantiate this claim. Therefore, the Tribunal found this claim to be without merit Whether the Applicant had a legal expectancy/legitimate expectation of renewal: Pursuant to ST/AI/404, mission detail, as any other assignment in the Organization, is at the discretion of the Secretary-General. The Tribunal found that the actions of the Respondent were not of such a nature as to lead the Applicant to believe he had a legitimate/legal expectation of extension to 18 February 2010. Whether the Applicant's inability to speak French was the basis for the contested decision and if so, whether this was a proper exercise of the Respondent's discretion: The Tribunal found that the Applicant's inability to speak French was the basis for the contested decision. The Tribunal noted that while operational necessity may, under certain circumstances, provide a legitimate basis for a decision to include a new or additional requirement to a staff member's post on a post facto basis, these circumstances must be substantiated and proper procedures must be put in place and followed by the Respondent to ensure that the rights of staff member are duly protected. The Tribunal concluded that the contested decision was not a proper exercise of the Respondent's discretion and violated the Applicant's rights due to the fact that there was no basis for the decision and that proper procedures were not followed. The contested decision violated the Applicant's contract of employment and denied him due process.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application to contest the decision of the Chief of Mission Support ("CMS") of the United Nations Mission in the Central African Republic and Chad ("MINURCAT") not to extend his mission assignment beyond 18 August 2009.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal ordered the Respondent to pay the Applicant three months of his net base salary at the rate applicable on the date he was separated from MINURCAT.

Full judgment

[Full judgment](#)

Applicants/Appellants

Goddard

Entity

MINURCAT

Case Number(s)

UNDT/NBI/2009/073

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

18 Nov 2010

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Abuse of authority

Due process

Non-renewal

No expectancy of renewal

Applicable Law

Administrative Instructions

- ST/AI/404

Secretary-General's bulletins

- ST/SGB/277

Staff Regulations

- Regulation 1.2(c)