

# **UNDT/2011/141, Ehounoubakrohi**

## UNAT Held or UNDT Pronouncements

Outcome: The Tribunal found that the Secretary-General acted properly within his broad discretion in deciding to take no action in relation to the Applicant's appeal against the non-renewal of his fixed-term appointment, and the appeal was dismissed.

## Decision Contested or Judgment/Order Appealed

Non renewal of fixed-term appointment.

## Legal Principle(s)

Burden of proof: The Applicant bears the burden of showing, on the balance of probabilities, that the proceedings before the Rebuttal Panels and the JAB Panel were tainted by material irregularities, bias, prejudice or other impermissible considerations, including the question whether the conclusions reached by the Panels are, or reasonably appear to be, irrational. Role of Tribunal: It is not the function of the Tribunal to substitute its judgment for that of a properly constituted assessment panel, including on issues concerning the performance of staff members. The internal mechanisms are designed to perform that review function. However, it is right and proper for the Tribunal to intervene if it considers that there was a lack of due process in the manner in which the internal processes operated, including the question of the potential irrationality of the conclusions reached.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ehounoubakrohi

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/012/UNAT/1599

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

11 Aug 2011

## Duty Judge

Judge Meeran

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Burden of proof

Performance management

Performance evaluation

Rebuttal

## Applicable Law

Administrative Instructions

- ST/AI/2002/3

Former Staff Rules

- Rule 104.12(b)(ii)
- Rule 109.7

Secretary-General's bulletins

- ST/SGB/2009/11

## Related Judgments and Orders

UNDT/2010/049

UNDT/2010/108

UNDT/2010/161