

UNDT/2011/157, Lorand

UNAT Held or UNDT Pronouncements

The Tribunal found that the application, in so far as it impugned a decision that had been rescinded, had to be rejected as irreceivable. Concerning the Applicant's claim for compensation for moral injury allegedly arising from the contested decision, the Tribunal considered that the causal effect between the Applicant's troubles and the contested decision had not been demonstrated by the medical certificates provided and thus rejected the claim, without ruling on its receivability. The Tribunal further rejected the Respondent's request for award of costs against the Applicant because it did not find that the Applicant had manifestly abused the proceedings before it. An application, in so far as it impugns a decision that has been rescinded, must be rejected as irreceivable. Claims related to decisions that have not been contested in accordance with the established rules and procedures must also be rejected as irreceivable.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate her indefinite appointment effective 1 January 2011 and requested compensation for the violation of her rights and moral damage suffered. At the time the application was filed, the contested decision had already been rescinded, as a result of the management evaluation, following a Tribunal's order granting suspension of action on the contested decision.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Lorand

Entity

UNHCR

Case Number(s)

UNDT/GVA/2010/120

Tribunal

UNDT

Registry

Geneva

Date of Judgement

5 Sep 2011

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Compensation

Non-pecuniary (moral) damages

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 10.6