

# UNDT/2012/055, Vaporidis

## UNAT Held or UNDT Pronouncements

Reasons for non-renewal: While the Administration is not bound to provide a staff member with the reasons for the non-renewal of his or her appointment, when the staff member contests before the Tribunal the legality of the non-renewal decision, holding that the motives behind were unlawful, the Administration must communicate to the Tribunal such motives and show they were real.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the non-renewal of her fixed-term appointment beyond December 2007. She alleged that the true reason for it was that she had frequently been on sick leave during the months preceding the decision, and not, as the Respondent held, (1) the lack of funding for her position and (2) the end of the project for which she had been hired. The Tribunal found that the Respondent had adduced sufficient proof of his claim that UNEP lacked funding for the Applicant's position. It further observed that, although she had indeed been working on a new project towards the end of her contract, the project for which she had been recruited had come to an end and that the consultant hired after her separation was not performing the same functions as the Applicant used to perform, but functions at a higher level.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Vaporidis

Entity

UNEP

Case Number(s)

UNDT/GVA/2010/054

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Apr 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Non-renewal  
Separation from service  
Applicable Law  
Former Staff Rules

- Rule 104.12(b)(ii)