

UNDT/2013/044, Oummih

UNAT Held or UNDT Pronouncements

As regards her e-Pas reports, the Tribunal found that the ratings resulting from the rebuttal processes had replaced the initial ratings and that hence the e-Pas reports cannot be annulled. Concerning the inclusion in the OSF of documents arising from the rebuttal processes relating to her e-Pas reports, the Tribunal found that only the documents specified in ST/AI/2002/3 and ST/AI/2010/5 are to be included in her OSF. It also found that the irregularities in relation to her e-Pas reports were of such gravity as to render them meaningless and that they are thus not to be included in her OSF. The Tribunal concluded that the Applicant suffered moral prejudice as a result of the contested decisions and awarded her a lump sum of USD 5,000.

Decision Contested or Judgment/Order Appealed

The Applicant contested her performance evaluation (“e-Pas”) reports for the periods 2009/2010 and 2010/2011 as well as the decision to include them and documents arising from a rebuttal process relating to both e-Pas reports in her Official Status File (“OSF”).

Legal Principle(s)

Rebuttal process: It follows from ST/AI/2002/3 and ST/AI/2010/5 that the rating resulting from the rebuttal process replaces the initial rating. Rebutted e-Pas reports can thus not be annulled. ST/AI/2002/3 and ST/AI/2010/5 exhaustively list the documents to be included in an OSF. e-Pas reports: The main responsibility to properly conduct performance evaluations rests with the supervisors. A delay in the completion of an e-Pas report may constitute an irregularity of such gravity as to render it devoid of meaning and legal existence; it is consequently not to be included in an OSF.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Both financial compensation and specific performance

Full judgment

[Full judgment](#)

Applicants/Appellants

Oummih

Entity

OAJ

Case Number(s)

UNDT/GVA/2012/85

Tribunal

UNDT

Registry

Geneva

Date of Judgement

7 Mar 2013

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Discrimination and other improper motives

Performance management

Performance evaluation

Rebuttal

Applicable Law

Administrative Instructions

- ST/AI/2002/3
- ST/AI/2006/3

Staff Regulations

- Regulation 1.3

Staff Rules

- Rule 1.3