

UNDT/2013/083, D'Aspremont

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had had a break in service which disrupted the eligibility requirement of five years' continuous service with the Organization.

Eligibility requirements: Whether a staff member is eligible for consideration has to be assessed against clear and objective criteria, which is not open to discretion.

Break-in Service: In the context of the United Nations, a break in service consists of a certain period of time between two contracts, governed by the United Nations staff rules, during which a person is not employed by the Organization. Competence of decision-maker: When no discretion is to be exercised, the lack of competence of a decision-maker may have no impact.

Decision Contested or Judgment/Order Appealed

The Applicant is a staff member of the International Criminal Tribunal for the former Yugoslavia ("ICTY"). She filed an application contesting the decision of the Assistant Secretary-General for Human Resources Management to refuse to convert her fixed-term appointment into permanent appointment.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

D'Aspremont

Entity

ICTY

Case Number(s)

UNDT/GVA/2012/50

Tribunal

UNDT

Registry

Geneva

Date of Judgement

23 May 2013

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/10

Related Judgments and Orders

UNDT/2011/126

UNDT/2011/189

UNDT/2011/196

UNDT/2012/129

UNDT/2012/130

UNDT/2012/131

UNDT/2013/034

UNDT/2013/058