

# UNDT/2013/135, Gehr

## UNAT Held or UNDT Pronouncements

Decision of a technical body: A rebuttal panel should be considered as a technical body as per the provision of staff rules 11.2(b). Consequently, a decision of a rebuttal panel is not subject to management evaluation as a prerequisite before filing an application before the Tribunal. The preeminent purpose of management evaluation is to reconsider the initial decisions taken by the Administration. Where such reconsideration is delegated to a specialized body, there is no need for further administrative review. Rebuttal panel: The panel's mandate is fixed for two years and ST/AI/2002/3 did not provide any legal basis for the extension of the mandate of a rebuttal panel as such once the period lapses, members of an expired rebuttal panel have no competence to conduct valid rebuttal processes. Extension of mandate: If the Administration is to extend a mandate of an advisory body that is due to expire, such extension, if ever, can only be made before the expiry of its mandate. Once the expiration takes effect, there is nothing to extend and any purported extension would not have any legal effect.

## Decision Contested or Judgment/Order Appealed

The Applicant is a former staff member of UNODC. He contests the decision to finalise his performance appraisal at a belated date after the end of the performance cycle. He also contests the decision to have his rebuttal conducted by an improperly constituted rebuttal panel and the delay they took in issuing a report.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

Only financial compensation

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Gehr

## Entity

UNOV

## Case Number(s)

UNDT/GVA/2012/24

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

31 Oct 2013

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Due process

Delay

Performance management

Performance evaluation

Rebuttal

## Applicable Law

Administrative Instructions

- ST/AI/2002/3
- ST/AI/2010/5

Secretary-General's bulletins

- ST/SGB/2013/3

Staff Rules

- Rule 11.2(b)

UNDT Statute

- Article 10.5(b)

## Related Judgments and Orders

UNDT/2011/211

2010-UNAT-095

2012-UNAT-224

2012-UNAT-253

2012-UNAT-238