

# **UNDT/2013/150, Said**

## UNAT Held or UNDT Pronouncements

Legitimate expectation: While a legitimate expectation can be created by an express promise on the part of the Organization, the Tribunal held that a promise can also be implied from the particular circumstances of a case or from what is held out to an individual. The Tribunal concluded that the Applicant did not have a legitimate expectation of renewal. Performance appraisal: When a staff member is given a rating indicating that he/she meets most expectations but that there is room for improvement, there is an implicit undertaking by the Administration that the staff member will be allowed to continue in his/her employment and that he/she should take steps with the assistance of management as provided by the rules to improve. Improvement rests primarily with the staff member but the rules also require that the appropriate supervisor offers support or guidance to that staff member. The Tribunal concluded that all elementary rules of fairness in regard to performance and improvement were simply ignored by the Respondent leaving the overall impression that the main aim of management was to hurriedly get rid of the Applicant.

## Decision Contested or Judgment/Order Appealed

The Applicant is contesting the decisions by UNICEF not to renew his fixed term appointment and not to regularize the National Officer post he was serving on from level B (NOB) to level C (NOC). He alleges that he had a legitimate expectation of renewal due to several factors.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

The Applicant was awarded financial compensation.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Said

## Entity

UNICEF

## Case Number(s)

UNDT/NBI/2011/006

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

29 Nov 2013

## Duty Judge

Judge Boolell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Non-renewal

Performance management

Performance evaluation

Separation from service

## Applicable Law

Staff Rules

- Rule 9.4

## Related Judgments and Orders

UNDT/2009/019

UNDT/2009/088

UNDT/2010/197

UNDT/2011/059

2010-UNAT-084

2011-UNAT-138

2011-UNAT-153

2012-UNAT-201