

# UNDT/2016/060, Charot

## UNAT Held or UNDT Pronouncements

The Dispute Tribunal found that the contested decision was lawful and rejected the application. Application of ST/AI/2010/5 on Performance Management and Development System: This administrative instruction does not apply to UNFPA, which is a separately administered fund, as it has not explicitly accepted its applicability, as per ST/SGB/2004/9 on Procedures for the promulgation of administrative issuances. Obligation to provide an opportunity to improve performance prior to non-renewal: Absent any specific provision in the applicable rules, the Organization has no legal obligation to take any remedial measure aimed at improving a staff member's performance before deciding not to renew his or her fixed-term appointment on the ground of poor performance.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision not to renew her fixed-term appointment due to poor performance.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Charot

## Entity

UNFPA

## Case Number(s)

UNDT/GVA/2015/156

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

13 May 2016

## Duty Judge

Judge Meeran

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Reason(s)

Performance management  
Performance evaluation  
Separation from service

## Applicable Law

Administrative Instructions

- ST/AI/2010/5

Laws of other entities (rules, regulations etc.)

- UNFPA's Policies and Procedures Manual

Other UN issuances (guidelines, policies etc.)  
Secretary-General's bulletins

- ST/SGB/2004/9

Staff Rules

- Rule 4.13(c)
- Rule 9.6(b)

UNDT Statute

- Article 8

## Related Judgments and Orders

2015-UNAT-500  
2013-UNAT-298  
2011-UNAT-153  
2011-UNAT-176  
2012-UNAT-201  
2010-UNAT-021  
2011-UNAT-115  
2014-UNAT-483