

# UNDT/2018/043, Caruso

## UNAT Held or UNDT Pronouncements

The Dispute Tribunal found that the Applicant did not manage to lift her burden of proving that the non-renewal of her contract was not due to poor performance and found instead that the decision was lawful.

## Decision Contested or Judgment/Order Appealed

The Applicant appealed the non-renewal of her appointment on the grounds of poor performance and claimed that the decision to separate her was procedurally flawed and tainted with bias.

## Legal Principle(s)

The Performance Improvement Plan (“PIP”) institution was justified and established in a fair manner and without bias: Secs. 10.1 and 10.2 of ST/AI/2010/5 provide that the institution of a PIP follows the identification of a staff member’s performance shortcomings, that its purpose is to assist the staff member in improving his/her performance during the PIP implementation, that the PIP is to be prepared in consultation, and not in negotiation, with the staff member, and that the non-renewal of the staff member’s contract should be decided after the finalization of the PIP process in the event the performance has not improved.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Caruso

Entity

DPA

Case Number(s)

UNDT/NY/2017/001

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Mar 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Administrative Instructions

- ST/AI/2010/5