

# UNDT/2019/079, Thiombiano

## UNAT Held or UNDT Pronouncements

UNDT held that the decision to extend the Applicant's fixed-term appointment with effect from 11 September 2015 until 29 February 2016 was irreceivable because the Applicant failed to submit a request for management evaluation of the decision. UNDT found no basis for the Applicant's claim that his appointment had been converted into a continuing one. UNDT held that the procedural irregularity in issuing the retroactive fixed-term appointments could cause vexation but did not amount to a serious violation of rights. UNDT held that the delays did not entail an ex lege conversion to a continuing appointment. UNDT held that the application was irreceivable regarding the decision to extend the Applicant's fixed-term appointment from 11 September 2015 until 29 February 2016 and refused the application in the remaining part.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to extend his fixed-term appointment for three separate periods.

## Legal Principle(s)

Continuing appointments are not granted as a matter of law but are subject to the fulfilment of eligibility criteria and to verification and approval processes.

## Outcome

Dismissed on merits

Outcome Extra Text

The application was found irreceivable regarding the decision to extend the Applicant's fixed-term appointment from 11 September 2015 until 29 February 2016. In the remaining part, the application was refused.

## Full judgment

[Full judgment](#)

Applicants/Appellants

Thiombiano

Entity

UNFPA

Case Number(s)

UNDT/NBI/2016/68

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

10 May 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Continuing appointment

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Applicable Law

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 8.1(c)