

UNDT/2020/025, Zong

UNAT Held or UNDT Pronouncements

The evidence shows that the Applicant was put on notice of her performance shortcomings orally during the period of the first performance appraisal and in writing thereafter. The Applicant continued to receive feedback on her appraisal throughout the period of the second appraisal. The Applicant elected to submit a written explanatory statement which, as agreed with the Management Evaluation Unit, was included in her Official Status File. In conclusion, the evidence shows that while some procedural irregularities occurred in the recording of the Applicant's performance, the overall evaluation of her performance was fair and well-based. The Applicant did not demonstrate ulterior motive or ill-intent in the recording of her performance. Therefore, the decision not to extend the Applicant's appraisal because of poor performance was lawful.

Decision Contested or Judgment/Order Appealed

The decision not to renew the Applicant's temporary appointment for poor performance.

Legal Principle(s)

The decision not to extend the Applicant's temporary appointment because of poor performance was based on facts and devoid of ulterior motive, therefore lawful.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Zong

Entity

UNS

Case Number(s)

UNDT/NY/2018/041

Tribunal

UNDT

Registry

New York

Date of Judgement

11 Feb 2020

Duty Judge

Judge Adda

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Temporary appointment

Non-renewal

Applicable Law

Administrative Instructions

- ST/AI/2010/4/Rev.1

Staff Regulations

- Regulation 4.5(b)

Staff Rules

- Rule 4.12(c)

Related Judgments and Orders

2017-UNAT-721

2017-UNAT-757