

# UNDT/2020/096, Hammond

## UNAT Held or UNDT Pronouncements

The Administration duly complied with the requirements of ST/AI/2010/5. The negative rating and adverse comments in the Applicant's 2016-2017 ePAS would be read in light of the Rebuttal Report, which found the rating and comments to be without merit and designated a new rating of "successfully meets expectations". To this end, the rationale behind sec. 15.4 of ST/AI/2010/5 must be that any purported harm caused to the Applicant by the 2016-2017 ePAS would be mitigated by the corrective positive finding of the Rebuttal Panel. The Applicant's challenge is not receivable because the revision of his performance evaluation for the period 1 April 2016 - 30 March 2017 had no direct and negative impact on the Applicant's terms of employment. The Tribunal therefore finds it appropriate to make a recommendation to UNAMID to provide the Applicant a corrected 2016-2017 ePAS reflecting the Rebuttal Panel's findings and rating of "successfully meets expectations" for the purpose of future employment and, for the sake of transparency, to fully correct the existing record. The Applicant filed the application regarding the decision to convert the Post (Case No. UNDT/NY/2018/064) on 4 April 2018, being some months after the prescribed 90-day deadline. The Tribunal does not have jurisdiction to review the 13 March 2017 management evaluation outcome as it does not constitute a reviewable administrative decision under art. 2(1)(a) of the Dispute Tribunal's Statute.

## Decision Contested or Judgment/Order Appealed

Appeal of the Applicant's Eperformance rating.

## Legal Principle(s)

A comment made in a satisfactory appraisal is not a final administrative decision if it does not detract from the overall satisfactory performance appraisal and [has] no direct legal consequences for [the staff member's] terms of appointment. The Dispute Tribunal lacks jurisdiction to review the outcome of a request for management evaluation. In most cases, the rebuttal conclusions or administrative decisions amending the previous erroneous appraisals will not be comprehensible if they cannot be read together with the impugned evaluations. [...] The placement on the [official status file] of impugned evaluations which are subsequently declared illegal or vacated cannot harm a staff member, since the corrective and complementary rebuttal report is simultaneously filed. A staff member has an inherent right to receive fair performance appraisal. It is mandatory for the Administration to keep in the personnel file both the impugned appraisal and reports, and the rebuttal outcome. The importance of fairness, transparency and accountability in the performance appraisal is accentuated by the requirement that whenever a staff member submits a job application through the United Nations Secretariat's online jobsite, Inspira, s/he should attach her/his two latest performance appraisals, if available. The the narrative of the performance appraisal and its final grade may influence the job applicant's prospects of being selected for a new job and therefore also for her/his career aspirations.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Hammond

Entity

UNAMID

Case Number(s)

UNDT/NY/2018/063  
UNDT/NY/2018/064  
Tribunal  
UNDT  
Registry  
New York  
Date of Judgement  
23 Jun 2020  
Language of Judgment  
English  
French  
Issuance Type  
Judgment  
Categories/Subcategories  
Performance management  
Applicable Law  
Administrative Instructions

- ST/AI/2010/5

UNDT Statute

- Article 8.1(a)
- Article 8.1(d)(i)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2014-UNAT-460  
2015-UNAT-546  
2014-UNAT-420  
UNDT/2015/087  
2016-UNAT-661