

UNDT/2020/177, Sohier

UNAT Held or UNDT Pronouncements

No evidence showed a link between the Applicant having expressed divergent views on a work-related matter and the decision not to renew her fixed-term appointment. The decision not to extend the fixed-term appointment was based on operational requirements and followed the Security Council's decision to withdraw MINUJUSTH. The Applicant had no expectation of renewal of her fixed-term appointment. No evidence showed that MINUJUSTH made a written promise to extend the Applicant's fixed-term appointment. There is no legal provision directing the Administration to find placement for staff members at the expiry of their fixed-term appointments, therefore the Administration had no obligation to find alternative placement for the Applicant. The Administration clearly stated that the reason for the non-renewal of the Applicant's appointment was the withdrawal of MINUJUSTH decided by the Security Council. Related

Decision Contested or Judgment/Order Appealed

Decision not to renew the Applicant's fixed-term appointment.

Legal Principle(s)

Fixed-term appointments carry no expectation of renewal. Expiration of a fixed-term appointment takes place automatically, without prior notice, on the expiration date specified in the letter of appointment. A decision not to renew a fixed-term appointment can be challenged on the grounds that the Administration has not acted fairly, justly, or transparently with the staff member or was motivated by bias, prejudice or improper motive. It is the applicant's burden to prove such factors played a role in the administrative decision. There is no obligation on the Administration to retain staff members whose fixed-term appointments expire.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Sohier

Entity

MINUJUSTH

Case Number(s)

UNDT/NY/2019/086

Tribunal

UNDT

Registry

New York

Date of Judgement

12 Oct 2020

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

No expectancy of renewal

Applicable Law

Staff Regulations

- Regulation 4.5(c)

Staff Rules

- Rule 4.13(c)
- Rule 9.6(e)

Related Judgments and Orders

2019-UNAT-916

2014-UNAT-411