

UNDT/2021/005, Delsol

UNAT Held or UNDT Pronouncements

The Tribunal found that the rebuttal panel was properly constituted. The Tribunal found that the rebuttal panel's review of the evidence complied with the applicable norms. The Tribunal found that the Applicant's medical condition was not an excuse for his reported poor performance. The Tribunal found that because the Applicant's report of abuse of authority against his supervisor was only filed after the performance appraisal was completed, it had no bearing on the appraisal.

Decision Contested or Judgment/Order Appealed

The Applicant appeals his performance evaluation for the 2018 cycle.

Legal Principle(s)

here performance is the reason provided for the decision not to extend the applicant's appointment, the Administration is required to provide a performance-related justification for its decision. Informal feedback to the staff member is not sufficient to justify a non-renewal decision for poor performance and the Administration should follow the applicable framework for performance appraisal. The purposes and goals of the performance appraisal system include the protection of the Organization's efficiency and the staff member's accountability. In reviewing the Administration's appraisal of a staff member's performance, the Dispute Tribunal may not review such appraisal de novo, substituting its judgment for that of the Administration. Allegations of improper motive ought to be substantiated with evidence which should be presented to the Dispute Tribunal

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Delsol

Entity

UNFPA

Case Number(s)

UNDT/NY/2020/002

Tribunal

UNDT

Registry

New York

Date of Judgement

2 Feb 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Performance management

Performance evaluation

Applicable Law

Staff Rules

- Rule 10.2(a)

UNDT Statute

- Article 10.5(a)