

2010-UNAT-041, Balestrieri

UNAT Held or UNDT Pronouncements

UNAT held that her appointment was terminated due to a lack of funding; several of her colleagues also had their fixed-term appointments terminated for the same reason at the same time. UNAT held that the fact that the Appellant may have complained about her working conditions or cooperated in any subsequent preliminary investigation into possible harassment, did not on its face exposes her to the termination. UNAT held that there was no reversible error on part of UNDT. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her appointment and lodged a complaint with the Ethics Office, in which she reported retaliation for having previously reported misconduct or cooperated with a duly authorized investigation. UNDT found that the decision not to renew her appointment was not an improper exercise of discretion. UNDT found that there was no evidence that the Applicant was deprived of her right to file a formal complaint under the applicable Administrative Instruction.

Legal Principle(s)

The fact that a staff member may have complained about their working conditions or cooperated in any subsequent preliminary investigation into possible harassment, does not on its face expose them to the termination.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Balestrieri

Entity

ITC

Case Number(s)

2010-041

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Boyko

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Ethics office

Retaliation

Non-renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Related Judgments and Orders

UNDT/2009/019