

2010-UNAT-045, Tsoneva

UNAT Held or UNDT Pronouncements

UNAT held that UNDT did not err on a question of law in deciding that the Appellant had to establish that, without the errors committed in the review of her professional career, she would have had a real chance of being promoted. UNAT held that the Appellant had failed to establish that UNDT erred on a question of fact, resulting in a manifestly unreasonable decision, in deciding that she had failed to demonstrate that the few material errors in her factsheet deprived her of the chance to be promoted. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to promote her to the P-4 level during the 2007 promotion session. UNDT dismissed the application. UNDT found that the Applicant had failed to demonstrate that the decision not to promote her had been tainted with a procedural flaw. UNDT found that the Appointments, Postings and Promotions Board had committed an error by rejecting the recourse submitted by the Applicant on 25 March 2008. UNDT found that, even though the fact sheet compiled by the Administration contained errors, the Applicant had failed to demonstrate that, if the inaccurate information had not been included in the review of her professional career, she would have had a real chance of being promoted.

Legal Principle(s)

A party appealing a judgment of UNDT is unlikely to succeed in having the judgment reversed, modified or the case remanded to UNDT unless the appeal challenges the impugned judgment on one or more of the grounds referred to in Article 2. 1 (a) to (e), of the UNAT Statute.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Tsoneva

Entity

UNHCR

Case Number(s)

2010-048

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Courtial

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Applicable Law

UNAT RoP

- Article 8.2

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2009/048