

2010-UNAT-046, Vangelova

UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing finding that the issues raised on appeal did not require further clarification. UNAT rejected the submission from the Secretary-General that the appeal was time-barred since the appeal was a corrected appeal and, therefore, conform to the requirements of Article 8 of the UNAT RoP. UNAT held that the Appellant had failed to identify one of the five grounds of appeal which could give legal basis to her appeal and that her arguments were the same made before UNDT. UNAT held that the Appellant had failed to establish how UNDT had erred on questions of law or fact resulting in a manifestly unreasonable decision in dismissing her application. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decision not to promote her to the P-4 level. UNDT found that only the appeal against the denial of promotion during the 2007 Promotion Session was receivable. UNDT noted that the Applicant had attached to her application her request to the Secretary-General for administrative review but did not refer to the arguments made in the request. UNDT found that the Applicant had failed to specify in what respects the non-promotion decision violated Staff Rules 4. 2 and 4. 3, and that she had failed to establish any irregularity during the 2007 Promotion Session. UNDT further found that the UNHCR's Appointments, Posting and Promotions Board (APPB) had considered the Applicant's entire career during its review of her recourse. UNDT dismissed the application.

Legal Principle(s)

An Appellant must identify which of the five grounds for appeal set out in Article 2. 1 of the UNAT Statute forms the legal basis of the appeal.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Vangelova

Entity

UNHCR

Case Number(s)

2010-049

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Procedure (first instance and UNAT)

Oral hearings

Applicable Law

Staff Rules

- Rule 4.2
- Rule 4.3

UNAT RoP

- Article 7
- Article 8.4

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2009/049