

# 2010-UNAT-070, Andrysek

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal that centred on whether the Appellant should be awarded enhanced compensation of three months' net base salary. UNAT held that UNDT did not make a reversible error in declining to award compensation for moral suffering. UNAT held that the case was distinguishable from Mebtouche (UNDT/2009/039), where the Applicant, Mr Mebtouche, had already retired and had no chance of being promoted, therefore enhanced compensation was justified. UNAT held that enhanced compensation could not be awarded to the Appellant. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to promote him. UNDT found for the Applicant, ordering rescission of the decision and compensation.

## Legal Principle(s)

A staff member has the right to full and fair consideration for promotion, not to a promotion.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Andrysek

## Entity

UNHCR

## Case Number(s)

2010-057

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Oct 2010

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Aggravating/mitigating factors

Staff selection (non-selection/non-promotion)

Full and fair consideration

## Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNHCR Procedural Guidelines for Appointments, Postings and Promotions

## Related Judgments and Orders

UNDT/2009/038

2010-UNAT-033

UNDT/2009/039