

# 2010-UNAT-095, Antaki

## UNAT Held or UNDT Pronouncements

UNAT considered the appeal by the Secretary-General on the compensation awarded. UNAT considered the cross-appeal by Ms Antaki, regarding UNDT's finding that the decision not to appoint her was valid and lawful, in a separate judgment (judgment No. 2010-UNAT-096). UNAT held that, despite the shortcomings in the process, the decision not to appoint Ms Antaki was both valid and lawful, which should have precluded UNDT from awarding any compensation. UNAT held that UNDT erred in awarding compensation in the absence of any procedural errors in the selection process, or a breach of legal rights. UNAT allowed the appeal and vacated the UNDT judgment regarding the award of compensation.

## Decision Contested or Judgment/Order Appealed

UNDT judgment: Ms Antaki requested an administrative review of the decision not to appoint her to a P-5 post and claimed that she had been improperly excluded from the promotion. UNDT found that the decision not to appoint her was valid and lawful. However, UNDT found that there was "inappropriate imprecision and confusion of the matrices" which contributed to Ms Antaki's frustration and justified an award of compensation. UNDT awarded Ms Antaki compensation.

## Legal Principle(s)

Not every violation will necessarily lead to an award of compensation. Compensation may only be awarded if it has been established that the staff member actually suffered damages.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Antaki

## Entity

DGACM

## Case Number(s)

2010-096

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Oct 2010

## President Judge

Judge Adinyira

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Staff selection (non-selection/non-promotion)

Selection decision

## Applicable Law

Administrative Instructions

- ST/AI/2006/3

UNDT Statute

- Article 10.5

## Related Judgments and Orders

UNDT/2010/059

2010-UNAT-042

2010-UNAT-009