

2011-UNAT-119, Koumoin

UNAT Held or UNDT Pronouncements

UNAT held that, except for the Appellant's own assertion, it found no evidence to show that he was a genuine whistle-blower. UNAT held that it was not a case of retaliation following a report of possible misconduct, but instead a disagreement between the Appellant and management regarding work matters which was properly addressed in the context of the performance assessment process. UNAT held that the non-renewal of the Appellant's contract was not retaliatory but based on his performance rating which had been reviewed and confirmed after a rebuttal opportunity was given to the Appellant. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate him based on performance. UNDT found that the non-renewal of the Applicant's appointment was a legitimate and proper exercise of discretion; the performance appraisal procedures had been correctly followed, and the Applicant's rights to whistle-blower protection had not been violated. UNDT dismissed the application.

Legal Principle(s)

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Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Koumoin

Entity

UNOPS

Case Number(s)

2010-114

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Ethics office

Retaliation

Whistleblower

Non-renewal

Arbitrary or improper motive

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Former Staff Rules

- Rule 204.3(d)

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2005/22

Related Judgments and Orders

UNDT/2010/105

UNDT/2009/088