

# 2011-UNAT-124, Appellant

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had failed to show how UNDT exceeded its jurisdiction or competence or failed to exercise its jurisdiction. UNAT held that the Appellant had not identified an error on a question of law. UNAT held that it had no reason to disagree with UNDT's holding that no institutional prejudice, or retaliation, played a part in the non-renewal of the Appellant's contract. UNAT noted that the decision to take the Appellant's portfolio away from him had been taken before he had made any report of wrongdoing. UNAT noted that the Appellant's non-selection for the 11 posts involved a large number of individuals and, unless each of them acted out of retaliation, an unlikely scenario, the Appellant could not succeed in establishing institutional prejudice. UNAT held that the non-renewal of the Appellant's contract was valid and was not retaliatory. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate him from service, claiming harassment and the failure to protect him from retaliation. UNDT dismissed the application.

## Legal Principle(s)

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## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Appellant

Entity

UNOPS

Case Number(s)

2010-121

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

President Judge

Judge Garewal

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Non-renewal

Arbitrary or improper motive

Separation from service

Applicable Law

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2010/115