

2011-UNAT-132, Frechon

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that it was satisfied that the UNDT's conclusion that Ms Frechon was incapable of further service, based on the findings of the Medical Board, was not tantamount to UNDT having stepped into the shoes of the UN Medical Director. UNAT held that there were no grounds to disagree with the finding of UNDT that Ms Frechon's contract was, in fact, terminated for medical reasons. UNAT held that the procedure which should have been invoked was that set out in ST/AI/1999/16. UNAT held that UNDT was correct in rescinding the decision to terminate Ms Frechon's employment. UNAT upheld the Order reinstating Ms Frechon but changed it to an Order to reinstate Ms Frechon for the purpose of the Administration initiating the procedures pursuant to ST/AI/1999/16. UNAT adjusted the way in which interest on the compensation awarded should be calculated. UNAT dismissed the appeal and affirmed the UNDT judgment with the above-noted variances to the Orders contained therein.

Decision Contested or Judgment/Order Appealed

Ms Frechon contested the decision not to renew her fixed-term appointment. UNDT found for Ms Frechon, reinstating her and awarding her compensation.

Legal Principle(s)

A fixed-term appointment has no expectancy of renewal. An exception to the rules governing the expiry of a fixed-term contract will arise if the administrative decision not to renew is based on improper motives or if there are countervailing circumstances.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Frechon

Entity

ICTR

Case Number(s)

2010-125

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Health reasons

Applicable Law

Administrative Instructions

- ST/AI/1999/16

Former Staff Rules

- Rule 109.1(b)
- Rule 109.7

Related Judgments and Orders

UNDT/2010/124

2010-UNAT-059