

2011-UNAT-138, Abdalla

UNAT Held or UNDT Pronouncements

UNAT held that, in order for the Appellant's claim of legitimate expectation of renewal of appointment to be sustained, it must not be based on mere verbal assertions, but on a firm commitment to renewal revealed by the circumstances of the case; and UNAT held that it found no reason to reverse the finding of UNDT that there was no evidence of such a commitment. UNAT held that the efficient or outstanding performance of a staff member on a temporary appointment could not legitimately create an expectancy of renewal of appointment. UNAT held that the need for translator services at UNAMI could not have created a legitimate expectation or right to have the appointment renewed. UNAT held that the arguments raised in the appeal were essentially identical to those raised before UNDT and the Appellant failed to identify any specific error made by UNDT. UNAT held that the Appellant did not meet the burden of demonstrating how UNDT erred in making the impugned judgment. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his temporary appointment on the ground that he took it up with the understanding that within three months a post at the FS-5 level would be advertised and that he would be interviewed. UNAT rejected the application.

Legal Principle(s)

In order to sustain a claim of legitimate expectation of renewal of appointment, it must not be based on mere verbal assertion, but on a firm commitment to renewal revealed by the circumstances of the case. The appellant has the burden of satisfying UNAT that the judgment rendered by UNDT is defective by identifying the

alleged defects in the judgment and stating the grounds relied upon in asserting that the judgment is defective; it is not sufficient for an appellant to state that he or she disagrees with the outcome of the case or repeat the arguments submitted before UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdalla

Entity

UNAMI

Case Number(s)

2010-131

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Staff Rules

- Rule 4.12(a)
- Rule 9.4

Related Judgments and Orders

UNDT/2010/140

2011-UNAT-153

2010-UNAT-051