

2011-UNAT-172, Vangelova

UNAT Held or UNDT Pronouncements

UNAT held that an irregularity in promotion procedures could only result in the rescission of the decision not to promote a staff member when he or she would have had a significant chance for promotion. UNAT held that there must be a link between the irregularity and the non-promotion decision. Thus, where the irregularity has no impact on the status of a staff member because he or she had no foreseeable chance for promotion, he or she is not entitled to rescission or compensation. UNAT upheld the appeal and vacated the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The staff member contested the decision not to promote her. UNDT found that, by promoting a staff member who was not eligible and whose candidacy had not been examined by the Appointments Postings and Promotions Board, the High Commissioner had committed an irregularity which vitiated the legality of the decision to deny the staff member a promotion. UNDT ordered the rescission of the contested decision or, in lieu thereof, the payment of CHF 8,000 as compensation for the loss of salary due to the denial of promotion. UNDT rejected the staff member's claim for moral damages, noting that her chances for promotion were "close to zero", even if no procedural irregularities had occurred.

Legal Principle(s)

An irregularity in promotion procedures will only result in the rescission of the decision not to promote a staff member when he or she would have had a significant chance for promotion.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Vangelova

Entity

UNHCR

Case Number(s)

2010-171

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

In-lieu compensation

Non-pecuniary (moral) damages
Staff selection (non-selection/non-promotion)
Eligibility

Applicable Law

UNDT Statute

- Article 10.5

Related Judgments and Orders

UNDT/2010/179