

# 2011-UNAT-176, Dzintars

## UNAT Held or UNDT Pronouncements

Although the Administration failed to take into account the Applicant's upgraded performance appraisal, UNAT held that this would make no difference to the outcome of the appeal because a staff member who has received two consecutive ratings of partially meets performance expectations has no legitimate expectation of renewal of contract at the end of the contract period. UNAT held that the Appellant was entitled to compensation for moral damages caused by the denial of his due process rights, payable under Article 9(1)(b) of the UNAT Statute. UNAT allowed the appeal in part, modifying the UNDT judgment by awarding the Appellant compensation in the amount of two months' net base pay, plus interest, under Article 9(1)(b) of the UNAT Statute.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the non-renewal of his appointment, which failed to take into account his upgraded performance rating following a rebuttal process. UNDT rejected the application.

## Legal Principle(s)

Left deliberately blank.

## Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Dzintars

Entity

ECE

Case Number(s)

2010-179

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Non-renewal

No expectancy of renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

## Administrative Instructions

- ST/AI/2002/3

## UNAT Statute

- Article 9.1(a)
- Article 9.1(b)

## Related Judgments and Orders

UNDT/2010/150