

# 2012-UNAT-202, Buscaglia

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT was correct in finding that the statement dated 26 November 2003 was neither a decision to terminate the Appellant's appointment nor a disciplinary measure. UNAT held that the statement was merely a publicly stated opinion which had no legal consequences on the Appellant who, in addition to having already been informed on 29 October 2003 that his contract would not be renewed beyond 30 November 2003, had also declared that he would not be able or willing to continue working for UNODC after his contract expired. UNAT accordingly dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant requested administrative review and a suspension of action regarding the Executive Director's statement from 26 November 2003, which stated that the Applicant would not have a future with the Organisation. UNDT found that, given that the Applicant had already been informed on 29 October 2003 of the decision not to renew his appointment, the ensuing 26 November 2003 statement by the Executive Director in the UNODC press release could not be considered to be either a decision not to renew his appointment, or a disciplinary measure.

## Legal Principle(s)

A statement with no legal consequences to a staff member will not be regarded as a disciplinary measure.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Buscaglia

Entity

UNODC

Case Number(s)

2011-206

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Related Judgments and Orders

