

2012-UNAT-250, Rantsiou

UNAT Held or UNDT Pronouncements

UNAT rejected the Appellant's request to have all appeal-related documents removed from her UNRWA official service file. UNAT held that UNRWA DT did not err in finding no irregularity in the decision-making process under judicial review and consequently dismissing the application. UNAT held that the Appellant had to persuade it that there were flaws in the contested administrative decision not to renew her fixed-term appointment, the proceedings that led to it, or in the UNRWA DT's judgment, which would warrant vacating the judgment. UNAT held that the Appellant had not raised new arguments, but only repeated her contentions which had been thoroughly considered and rejected by UNRWA DT. UNAT held that the evidence showed no irregularity, harassment, unlawful treatment, or discrimination against the Appellant. UNAT held that there were no grounds to reinstate the Appellant or to award her any kind of compensation, as the applicable law did not entitle her to such remedies. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her appointment. UNRWA DT recalled that fixed-term appointments carried no expectancy of renewal and that UNRWA had broad discretionary authority in the application of its Staff Regulations, Rules, and other issuances, including the renewal of appointments. UNRWA DT found that the UNRWA had not created any legal expectancy of renewal, but to the contrary, UNRWA had repeatedly emphasised that her extension was for two months only. UNRWA DT found that the Applicant had failed to show that her non-renewal was unlawful, that it was influenced by improper motives, or that it was flawed by procedural irregularities. UNRWA DT found that the Applicant had failed to demonstrate that she was a victim of discrimination, harassment, mobbing and bullying. UNRWA DT found, with respect to the Applicant's contention that she was entitled to a termination indemnity, that her appointment had not been terminated

but rather, it had not been renewed.

Legal Principle(s)

Fixed-term appointments carry no expectancy of renewal.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Rantsiou

Entity

UNRWA

Case Number(s)

2011-270

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2012

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-renewal

Arbitrary or improper motive

Burden of proof

No expectancy of renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

UNAT Statute

- Article 2.1

Related Judgments and Orders

2011-UNAT-178

2010-UNAT-061