

2012-UNAT-261, Badawi

UNAT Held or UNDT Pronouncements

UNAT addressed the staff member's appeal seeking reversal of the UNRWA DT judgment with compensation for the actual and moral damage, as well as the reinstatement of her appointment. UNAT rejected the request for an oral hearing since there was no need for further clarification of the issues arising from the appeal. UNAT held that the Appellant's letter of appointment was clear and unambiguous that the appointment did not carry an expectation of renewal or conversion to any other type of appointment. UNAT held that UNRWA DT was correct in finding that the Agency's extension of the Appellant's fixed-term appointment beyond 31 March 2009 did not convert her appointment into another type of appointment. UNAT noted that the Appellant did not dispute that the Agency had lost the funding for her position and that the loss of funding was the reason for which her contract was not extended. UNAT noted that UNRWA DT had found the Appellant's statements that she was not aware she was entering into a fixed-term contract were not credible because the terms of her letter of appointment were clear, unambiguous, and easy to understand. UNAT held that to overturn the UNRWA DT's adverse credibility finding, it had to be satisfied the finding was not supported by the evidence or was unreasonable. UNAT held that UNRWA DT's adverse credibility determination was fully supported by the record. UNAT dismissed the appeal and affirmed the UNRWA DT Judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to extend her fixed-term appointment and separate her from service. UNRWA DT dismissed the application.

Legal Principle(s)

A fixed-term appointment has no expectation of renewal or conversion to another type of appointment. A staff member may challenge the non-renewal of a fixed-term appointment on the grounds that the decision was arbitrary, procedurally deficient, or the result of prejudice or some other improper motivation; the staff member has the burden of proving such factors played a role in the administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Badawi

Entity

UNRWA

Case Number(s)

2011-279

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Nov 2012

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

No expectancy of renewal

Reason(s)

Separation from service

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNRWA Area Staff Circular No. 4/95

UNAT Statute

- Article 2.5
- Article 8.3

Related Judgments and Orders

2011-UNAT-110

2010-UNAT-021

2010-UNAT-061

2011-UNAT-153

2010-UNAT-100

2010-UNAT-029

2011-UNAT-120