

2013-UNAT-329, Perez-Soto

UNAT Held or UNDT Pronouncements

Noting the broad discretion of UNDT with respect to case management, UNAT held that there was no merit in the contention that UNDT erred on a matter of procedure either by not affording the Appellant a second case management hearing or by not sanctioning the Secretary-General for his failure to submit documents. On the Appellant's submission that UNDT failed to exercise the jurisdiction vested in it by not addressing his right to a current job classification and the closing of his "evaluative past, including the issue of his performance appraisal", UNAT noted that these matters had been repeatedly raised before UNDT and that UNDT had informed the Appellant that it was limited to deciding only the issue of his reassignment. UNAT noted that the Appellant had raised other matters which were dismissed by UNDT as no administrative review had been sought thereof and UNAT held that UNDT had properly declined jurisdiction and that the appeal failed on that ground. UNAT held that UNDT correctly judged the validity of the Secretary-General's exercise of discretion in administrative matters. UNAT affirmed the finding of UNDT that the reassignment was lawful. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to reassign him. UNDT dismissed the application finding the Applicant had failed to satisfy his burden of proving that the decision to reassign him was made in bad faith and tainted by ulterior motives.

Legal Principle(s)

UNDT has broad discretion with respect to case management and is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and to do justice to the parties. UNAT will not interfere lightly with the discretion of UNDT in the management of cases. The Secretary-General has broad discretionary powers when it comes to the organisation of work. It is not the role of UNDT to substitute its own decision for that of the Secretary-General.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Perez-Soto

Entity

OHRM

Case Number(s)

2012-358

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Procedure (first instance and UNAT)

Case management

Reassignment or transfer

Discretion

Applicable Law

Former Staff Rules

- Rule 111.2(a)

Staff Regulations

- Regulation 1.2(c)

UNDT RoP

- Article 19

Related Judgments and Orders

UNDT/2012/078

2010-UNAT-084

2010-UNAT-061

2010-UNAT-049

2010-UNAT-035