

2013-UNAT-339, Tsoneva

UNAT Held or UNDT Pronouncements

UNAT considered both an appeal by Ms Tsoneva and an appeal by the Secretary-General. UNAT disagreed with the UNDT's interpretation of the prescribed procedure, leading to the discontinuation of Ms Tsoneva's position, noting that there was no requirement that the staff member's meeting with the manager must take place after the staff member had received a written notification or that the manager must consult a concerned staff member. UNAT held that the Director complied with the prescribed procedure by discussing the matter with Ms Tsoneva, informing her in writing of his intention to request the discontinuation of her position and then submitting his request to the Budget Committee. UNAT held that the UNDT judgment constituted an error of law, and the award of moral damages had to be reversed. UNAT upheld the appeal and vacated the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to discontinue her post. UNDT found for the Applicant, annulled the decision to discontinue the post and awarded moral damages.

Legal Principle(s)

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Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Tsoneva

Entity

UNHCR

Case Number(s)

2012-376

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Applicable Law

Other UN issuances (guidelines, policies etc.)

- IOM/FOM/33/2010 (Policy and Procedures on Assignments and Promotions)
- IOM/FOM/27/2009 (Procedural Guidelines for Changes in the Status of Positions)

Related Judgments and Orders

UNDT/2012/112