

# 2013-UNAT-341, Appellee

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General and a cross-appeal by the staff member. UNAT concurred with the former UN Administrative Tribunal which held that, unless the Administration had made an express promise that gave a staff member an expectation of extension, or unless it abused its discretion, or was motivated by discriminatory or improper grounds in not extending an appointment, the non-renewal of a staff member's fixed-term appointment was not unlawful. UNAT agreed with the UNDT's finding that the staff member had suffered no material harm from the series of renewals for short periods of time since her appointment was renewed and at the time of the judgment, she was still working for the Organisation. UNAT held that UNDT erred in law in awarding compensation in the absence of any procedural errors or any breach of the staff member's legal rights while expressly affirming that she had suffered no material harm. UNAT upheld the Secretary-General's appeal, vacated the award of damages and dismissed the staff member's cross-appeal.

## Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decision to extend her fixed-term appointment for only one month and the decision to renew her appointment for short periods of time. UNDT found that the successive decisions to terminate her appointment were unlawful and awarded moral damages.

## Legal Principle(s)

A fixed-term appointment does not carry any expectancy of renewal or conversion to any other type of appointment, irrespective of the length of service.

## Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Appellee

Entity

OAJ

Case Number(s)

2012-378

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

President Judge

Judge Weinberg de Roca

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)  
Fixed-term appointment  
Non-renewal  
No expectancy of renewal  
Applicable Law  
Staff Rules

- Rule 4.13(c)

Related Judgments and Orders

UNDT/2012/110

2010-UNAT-095

2010-UNAT-061

2011-UNAT-153