

2013-UNAT-367, Cranfield

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that UNDT erred in law in its determination. UNAT held that there was no legal basis for UNDT to bind the Administration to a 90-day statutory time limit. UNAT held that it was not necessary to remand the case to UNDT for consideration of the merits as the issue was one of law, namely, whether the Administration was entitled to revoke the indefinite appointment granted to Ms Cranfield. UNAT held that as of 30 June 2009, UNAT held a contract of indefinite appointment which meant that she was not eligible for conversion to such an appointment. UNAT noted that post 30 June 2009, contracts of permanent or indefinite appointment no longer existed and therefore there was no legal basis upon which to grant her an indefinite appointment. UNAT held that the decision to grant her the indefinite appointment was invalid. UNAT held that the Administration was entitled to correct its decision and there were no grounds upon which the Administration should be prevented from correcting its mistake. UNAT noted that the moral damages award had not been appealed by the Secretary-General, and as such, Ms Cranfield remained the beneficiary of that award. UNAT allowed the appeal, set aside the UNDT order rescinding the decision, and affirmed the decision to retract her indefinite appointment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to retract her indefinite appointment. UNDT found for the Applicant on the basis that the Administration failed to correct its mistake within ninety days.

Legal Principle(s)

In situations where the Administration finds that it has made an unlawful decision or an illegal commitment, it is entitled to remedy that situation. Interests of justice

require that the Secretary-General should retain the discretion to correct erroneous decisions.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Cranfield

Entity

UNHCR

Case Number(s)

2012-415

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNHCR IOM/004/2011-FOM/005/2011
- UNHCR IOM/FOM/42/2006
- UNHCR IOM/FOM/75/2003

Staff Rules

- Rule 11.2

Related Judgments and Orders

UNDT/2012/141

2010-UNAT-037

2012-UNAT-219