

# 2014-UNAT-487, Ruyooka

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant did not succeed in establishing any error of fact or law which would warrant the reversal of the UNDT judgment. UNAT held that UNDT correctly concluded that the termination of the Appellant's appointment was firmly supported by the evidence relative to the necessities of service in the context of a downsizing exercise, and no bias or improper purpose vitiated the impugned decision. UNAT held that as the Appellant did not effectively rebut the conclusions of the impugned judgment, he did not satisfy the burden of demonstrating that it was defective such as to warrant its reversal. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the Administration's decision to terminate his appointment. UNDT dismissed the application and noted that Staff Regulation 9.3(a)(i) and Staff Rule 9.6(c)(i) enable the Administration to terminate an appointment if the necessities of service require the abolition of the post or reduction of staff. UNDT was satisfied that the decision to terminate the Applicant's appointment was motivated by the necessities of service, which required the reduction of the number of staff members in the United Nations Mission in South Sudan and was not tainted by an improper motive. UNDT also rejected the Applicant's allegation that the Chief of Transport had animus towards him.

## Legal Principle(s)

The findings of fact made by UNDT can only be disturbed under Article 2(1)(e) of the UNAT Statute when there has been an error resulting in a manifestly unreasonable decision.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ruyooka

## Entity

UNMIS

## Case Number(s)

2014-562

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

17 Oct 2014

## President Judge

Judge Simón

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Termination (of appointment)

Abolition of position

## Applicable Law

UNDT Statute

- Article 2.1(e)

## Related Judgments and Orders

UNDT/2013/154

2011-UNAT-110