

2015-UNAT-501, Andreyev

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General in which he appealed the order of the award of damages and averred that UNDT erred on questions of law and fact and exceeded its competence in awarding damages. UNAT held that the reasonable expectation of the duration of Mr Andreyev's contract was one year and reduced the award of compensation in lieu of rescission. UNAT held that there was no evidence of harm to support the award for moral damages. UNAT granted the Secretary-General's appeal, reduced the UNDT's award of compensation in lieu of rescission to nine months' net base salary, less any amount which had been paid as termination indemnity, and vacated the award for moral damages.

Decision Contested or Judgment/Order Appealed

Mr Andreyev contested the decision to terminate his appointment, due to retrenchment. UNDT found for Mr Andreyev and awarded compensation.

Legal Principle(s)

Any consideration of an award of damages for persons recruited on fixed-term contracts must take into account, among other things, the term of the contract and the remainder of the said term, if any, at the time of any alleged breach. Not every breach will give rise to an award of moral damages; this will necessarily depend on the nature of the evidence put forward before UNDT.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Andreyev

Entity

UNMIS

Case Number(s)

2014-570

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Compensation

Evidence of harm

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Abolition of position

Applicable Law

Staff Rules

- Rule 4.13(c)
- Rule 4.14(b)

UNAT Statute

- Article 2.5

UNDT Statute

- Article 10.5

Related Judgments and Orders

UNDT/2013/152

2011-UNAT-153

2011-UNAT-184

2012-UNAT-201

UNDT/2013/112

2012-UNAT-228

2012-UNAT-205

2013-UNAT-387

2013-UNAT-341