# 2015-UNAT-533, Onana

#### **UNAT Held or UNDT Pronouncements**

UNAT held that UNDT correctly found that the separation issue was not receivable because it was res judicata. On the non-selection issue, UNAT held that the Appellant failed to establish that UNDT committed any errors of law or fact in reaching its finding that since the Appellant was unsuitable for the post, neither the failure to consider his application prior to the 30-day candidates nor the failure to notify him within 14 days of the selection decision vitiated the outcome of the selection process. UNAT held that his requests for relief were denied, noting that where an irregularity has no impact on the status of a staff member, because he or she had no foreseeable chance for promotion, he or she is not entitled to rescission or compensation. UNAT dismissed the appeal and affirmed the UNDT judgment.

### Decision Contested or Judgment/Order Appealed

The Applicant contested a number of issues in two applications, including his separation from service and his non-selection for another position. UNDT consolidated and addressed the issues and dismissed the applications.

### Legal Principle(s)

The authority of a final judgment, or res judicata, cannot be readily set aside. Priority consideration cannot be interpreted as a promise or guarantee to be appointed or receive that for which one is granted such consideration. Where an irregularity has no impact on the status of a staff member because he or she had no foreseeable chance or promotion, he or she is not entitled to rescission or compensation.

#### Outcome

Appeal dismissed on merits

### Full judgment

### Full judgment

### Applicants/Appellants

Onana

### **Entity**

**ICTR** 

### Case Number(s)

2014-609

### **Tribunal**

**UNAT** 

### Registry

New York

### Date of Judgement

2 Jul 2015

# Language of Judgment

English

### Issuance Type

Judgment

### Categories/Subcategories

Abolition of post
Termination
Staff selection (non-selection/non-promotion)

Eligibility
Selection decision
Termination (of appointment)
Abolition of position

# **Applicable Law**

#### **UNAT Statute**

• Article 2.1

# Related Judgments and Orders

UNDT/2014/003

2011-UNAT-172

2011-UNAT-174

2012-UNAT-192

2010-UNAT-088

2011-UNAT-110

2015-UNAT-527

2010-UNAT-063

2011-UNAT-129

2012-UNAT-198

2013-UNAT-299

2013-UNAT-300

2011-UNAT-175

2012-UNAT-238

2011-UNAT-109

2011-UNAT-114

2011-UNAT-122