

# 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