

2015-UNAT-582, Kacan

UNAT Held or UNDT Pronouncements

UNAT held that UNDT's interpretation of the relevant jurisprudence was correct and that it did not commit any error in law. UNAT held that UNDT took care to examine the evidence in order to ascertain if, in fact, an express promise of renewal had been made to the Appellant. Noting that UNDT was unable to find any such evidence, UNAT held that the Appellant's submissions regarding his work experience, duties, and responsibilities, functions of his duty station, and his interest in a renewal had no merit as grounds for an expectancy of renewal. UNAT held that it was satisfied that UNDT's decision was correctly based on the applicable law and the available evidence. UNAT held that the Appellant failed to establish that UNDT committed any error, whether of law, fact or procedure, in concluding that he had not produced any evidence capable of amounting to a promise of renewal. On the question of whether the decision not to renew the appointment was improperly motivated or discriminatory, UNAT held that UNDT's conclusion was consistent with the evidence and the Appellant had not put forward any persuasive grounds to warrant interference by UNAT. UNAT held that the Appellant had not established any error in UNDT's determination that the fact that the other staff members remained in service did not have any impact on the legality of the non-renewal of his fixed-term appointment. UNAT held that there was no error in the UNDT's finding that the Appellant had failed to establish that the decision not to renew his fixed-term appointment was tainted by improper motives or discriminatory. UNAT held that the decision was a legitimate exercise of the Administration's discretion, based on operational realities, and was justified in view of the temporary closure of the office, which rendered the Appellant's services unnecessary. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the non-renewal of his fixed-term appointment. UNDT dismissed the application.

Legal Principle(s)

UNDT has a broad discretion to determine the admissibility of any evidence and the weight to be attached thereto.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kacan

Entity

UNHCR

Case Number(s)

2014-677

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Non-renewal

Arbitrary or improper motive

No expectancy of renewal

Reason(s)

Applicable Law

UNDT RoP

- Article 18.1

Related Judgments and Orders

UNDT/2014/116

2015-UNAT-546

2011-UNAT-123

2015-UNAT-503

2014-UNAT-411