

2015-UNAT-583, Lee

UNAT Held or UNDT Pronouncements

On the Appellant's claim that UNDT erred in failing to hold an oral hearing, UNAT held that UNDT was in possession of the respective applications and documentation which it considered to be sufficient to make the relevant decisions to facilitate the fair and expeditious disposal of the case. UNAT held that UNDT correctly found that the Appellant did not contest an administrative decision and therefore, there was no legal basis to support the contention that she had a right to be informed of the identity of the decision-makers, noting that she had been informed on several occasions that it was for the General Assembly to decide upon the suggested abolition of her post. UNAT held that there was no merit to the appeal. UNAT dismissed the appeal and upheld the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested inter alia the decisions to abolish her post, to separate her from the Organisation, and not to renew her fixed-term appointment. UNDT dismissed her application.

Legal Principle(s)

UNDT has broad discretion in managing its cases and it is in the best position to decide what is appropriate for the fair and expeditious disposal of a case and to do justice to the parties. In the absence of an error in the procedure adopted by UNDT which may render the hearing of the case unfair, UNAT will not interfere with the discretion of the UNDT to manage its cases.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Lee

Entity

DM

Case Number(s)

2014-678

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Termination

Appointment (type)

Fixed-term appointment
Termination (of appointment)
Abolition of position

Applicable Law

UNAT RoP

- Article 16.1
- Article 19

Related Judgments and Orders

UNDT/2014/121
2010-UNAT-058
2014-UNAT-481
2013-UNAT-329
2014-UNAT-459
2010-UNAT-021
2014-UNAT-455