

2015-UNAT-590, Applicant

UNAT Held or UNDT Pronouncements

UNAT had before it the Secretary-General's appeal against judgment Nos. UNDT/2013/004 (judgment on receivability) and UNDT/2013/128 (judgment on the merits). UNAT held that there was no reason to upset the UNDT's finding that the parties sought the mediation of their dispute and were within the deadlines for filing an application. UNAT held, affirming UNDT's finding, that the Applicant's application was receivable by UNDT. Noting that the Applicant commenced employment with UNICEF less than three months after her separation and with no reduction in level or step from her previous role, UNAT held that the award of six months' net base salary was far in excess of her actual loss of earnings and held that it would be adequate, fair and reasonable to award the Applicant compensation of three months' net base salary. UNAT dismissed the appeal and affirmed the UNDT judgment, subject to a variation of the award of six months' net base salary to three months' net base salary.

Decision Contested or Judgment/Order Appealed

The Applicant contested the following decisions: the decision to extend her fixed-term contract for only six months; the rebuttal panel's decision to uphold her performance rating of "partially met expectations"; and the decision not to renew her fixed-term contract and to place her on special leave. UNDT found that the decisions were receivable, with the exception of the rebuttal panel's decision, and that the Applicant had a reasonable expectation of renewal for one year, awarding compensation.

Legal Principle(s)

The purpose of compensation is to place the staff member in the same position he or she would have been in had the Organisation complied with its contractual obligations.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNOPS

Case Number(s)

2015-687

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Ombudsman / informal resolution

Performance management

Rebuttal

Separation from service

Applicable Law

GA Resolutions

- A/RES/66/237

Staff Rules

- Rule 11.1
- Rule 11.4

UNDT Statute

- Article 8.1(d)(iv)

Related Judgments and Orders

UNDT/2013/004

2010-UNAT-059

2015-UNAT-520

2011-UNAT-118

2012-UNAT-247

2012-UNAT-246