

2017-UNAT-715, Charot

UNAT Held or UNDT Pronouncements

On the issue of UNDT's denial of the Appellant's request for confidentiality, UNAT held that UNDT did not err in law or fact in denying her request as if confidentiality were attached to the identity of each staff member, there would be no transparency. UNAT did not admit into evidence additional documents as they were of no assistance to it and there were no exceptional circumstances. UNAT held that the Appellant merely gave passing reference to the UNAT Statute's grounds of appeal and offered no legal authority to support her claims. UNAT agreed with the characterization of the issue by UNDT and, accordingly, held that it would not consider on appeal the Appellant's complaints against the Management Evaluation Unit or the UNFPA Office of Audit and Investigations Services, which were not raised before UNDT. UNAT held that UNDT did not err in law or fact when it held that the Appellant did not have a reasonable or legitimate expectation of renewal of her contract. UNAT held that UNDT correctly held that ST/AI/200/5 did not apply to UNFPA's decision not to renew the Appellant's appointment as UNFPA had not accepted that administrative instruction. UNAT held that UNDT correctly held that there was no provision for an improvement plan under UNFPA's Separation Policy. On the Appellant's argument that different policies on performance and separation created a disparity of treatment among UN staff, UNAT opined that principles of equality were not affected by reasonable differences in agencies' policies. UNAT held that there was no merit to the Appellant's challenge to the Rebuttal Panel and that UNDT properly relied on the Rebuttal's Panel's report to support the Administration's determination that the Appellants performance was poor or substandard. UNAT held that none of the Appellant's other claims had merit or would affect the outcome of the appeal and therefore did not address them. UNAT denied the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her fixed-term appointment for reasons of poor performance. UNDT denied the application.

Legal Principle(s)

An appellant must identify the alleged defects in a UNDT judgment and state the grounds relied upon in asserting that the judgment is defective; it is not sufficient for an appellant to state that he or she disagrees with the outcome of the case or repeat the arguments submitted before UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charot

Entity

UNFPA

Case Number(s)

2016-950

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Reason(s)

Performance management

Rebuttal

Separation from service

Expiration of appointment (see also, Non-renewal)

Related Judgments and Orders

UNDT/2016/060