

2017-UNAT-746, Auda

UNAT Held or UNDT Pronouncements

UNAT held that the fact that the non-renewal decision was communicated verbally was, by itself, of no consequence since there is no explicit requirement in law for such notification to be in writing. UNAT noted that Staff Rule 11. 2(c) does not require a written notification as a prerequisite to contest an administrative decision. UNAT affirmed the UNDT judgment dismissing the staff member's application but set aside its finding that the application was receivable.

Decision Contested or Judgment/Order Appealed

The staff member contested the decision not to renew his fixed-term appointment. UNDT found that the application was receivable since the staff member had requested management evaluation within the prescribed time limit on the grounds that the time limit started to run from the date of the written notification of the previously verbally communicated non-renewal decision. On the merits, UNDT concluded that the staff member had not met the burden of proving an "express promise" in writing containing a "firm commitment" of the Administration to renew his fixed-term appointment, so as to support his contention that he had a legitimate expectancy of renewal.

Legal Principle(s)

Written notification is not a prerequisite to contest an administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Auda

Entity

DGACM

Case Number(s)

2016-975

Tribunal

UNAT

Registry

New York

Date of Judgement

31 Mar 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Notification

Jurisdiction / receivability (UNAT)

Appeal

Management Evaluation

Time limit

Non-renewal

Applicable Law

Staff Rules

- Rule 11.2(c)

Related Judgments and Orders

UNDT/2016/117