

# 2017-UNAT-766, Alsado

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that the decision to terminate Mr Alsado due to abolition of post was never implemented because he obtained another position with the Organisation and that this rendered moot the Administration's decision to terminate him. UNAT held that the administrative decision was no longer a live issue and UNDT was not competent to pass judgment on the application. UNAT held that UNDT made an error of law when it found Mr Alsado's application receivable. UNAT held that in light of the UNDT's error in receiving the application, the UNDT's findings on the merits of the staff member's claims and the award of damages to the staff member were ultra vires and could not stand. UNAT granted the Secretary-General's appeal and vacated the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

Mr Alsado contested the decision to abolish his post and terminate his permanent appointment. UNDT found that the application was receivable and that the Organisation committed material irregularities and failed to act fully in compliance with the legal framework by subjecting Mr Alsado to the requirement of competing for available posts against other, non-permanent staff members.

## Legal Principle(s)

Applying the doctrine of mootness is consistent with the purpose behind the establishment of the two-tier system of administration of justice, which was to adjudicate existing disputes, not to interpret the law when there is no live dispute before it.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Alsado

## Entity

DGACM

## Case Number(s)

2016-1044

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

14 Jul 2017

## President Judge

Judge Chapman

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

## Applicable Law

UNDT Statute

- Article 8.1(a)

UNAT Statute

- Article 2.1(a)

## Related Judgments and Orders

UNDT/2016/191