

2017-UNAT-777, Faust

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant's fixed-term appointment was lawfully terminated in accordance with the amended terms of her appointment and that her appeal had no merit. UNAT held that the Appellant failed to meet the burden of proof of the alleged improper motivation for the decision. UNAT noted that UNFCCC advertised nine fixed-term positions at the G-5 level, but that the Appellant did not apply for any of them, her aim being to secure a P-2 level position. UNAT found no fault in UNDT's conclusion that the Administration had no duty to seek a suitable position for the Applicant beyond the extent it did. UNAT agreed with the UNDT's findings as to the legal effect of the memorandum signed by the Appellant. UNAT held that, contrary to the Appellant's view, there were benefits to surrendering her lien. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate her employment. The Applicant had voluntarily surrendered her lien on the post, which meant that she would have no post to return to at the end of her temporary assignment. UNDT dismissed the application in its entirety.

Legal Principle(s)

A memorandum of agreement signed by a staff member will normally be enforced.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Faust

Entity

UNFCCC

Case Number(s)

2017-1058

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Applicable Law

Staff Regulations

- Regulation 9.3(a)

Staff Rules

- Rule 9.6(c)

Related Judgments and Orders

UNDT/2016/212