

2019-UNAT-950, Diop

UNAT Held or UNDT Pronouncements

UNAT held that the case was fully and fairly considered by UNDT. UNAT found no error of law or fact in the UNDT decision. UNAT held that UNDT thoroughly considered the material facts of the case at issue and found that the qualification the Appellant had attained was not the equivalent of the required first-level university degree. UNAT held that there was no error of fact resulting in a manifestly unreasonable decision. UNAT held that the UNDT conclusions were consistent with the evidence and that the Appellant did not put forward any persuasive grounds to warrant interference by UNAT. UNAT held that the Appellant did not establish any error in the UNDT determination that she was ineligible for a one-time amnesty for staff members under Section 6 of ST/AI/2018/5, since this provision applies to staff members who requested a review of their degrees under Section 4 of ST/AI/2018/5. UNAT held that there was no error in the UNDT finding that the Appellant failed to establish that the decision not to renew her contract was tainted by improper motives, unfairness, or lack of transparency. UNAT held that the lack of the minimum educational requirement on her part constituted a valid reason proffered by the Administration for not renewing her contract. UNAT held that since no illegality was found, there was no justification for the award of compensation. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her appointment upon its expiry on the grounds that she did not meet the minimum educational requirements for her position. UNDT dismissed the application.

Legal Principle(s)

Fixed-term appointments and appointments of limited duration carry no expectation of renewal or conversion to another type of appointment. The renewal of the appointment of a staff member on successive contracts does not, in and of itself, give grounds for an expectancy of renewal, unless the Administration has given an express promise that gives the staff member an expectancy that his or her appointment will be extended, in which the jurisprudence this promise at least to be in writing.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Diop

Entity

MINUSMA

Case Number(s)

2019-1247

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Oct 2019

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Reason(s)

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Administrative Instructions

- ST/AI/2018/5

Other UN issuances (guidelines, policies etc.)

- Instructional Manual on the Staff Selection System (Inspira)
- UN 2015 Applicant's Manual

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.1(e)

Related Judgments and Orders

UNDT/2019/018