

2020-UNAT-1015, Handy

UNAT Held or UNDT Pronouncements

UNAT held that there was no express rescission of the impugned decision by the Administration. UNAT held that monthly renewals pending the outcome of the rebuttal of a performance evaluation did not resolve the complaint of the non-renewal of the fixed-term appointment. UNAT held that the monthly renewals did not rescind or supersede the impugned decision and the application could not be considered moot. UNAT held that UNDT erred in its decision, resulting in a manifestly unreasonable decision. UNAT upheld the appeal, vacated the UNDT judgment, and remanded the matter to UNDT for proper determination.

Decision Contested or Judgment/Order Appealed

The staff member contested the Administration's decision not to renew his fixed-term appointment. However, before the management evaluation could be completed, the staff member's appointment was renewed on a month-to-month basis. UNDT determined that the staff member's application was moot because the subsequent monthly renewals effectively rescinded and superseded the impugned decision.

Legal Principle(s)

In order to conduct a judicial review, there is an obligation on the Secretary-General to provide reasons for an administrative decision.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Handy

Entity

MINUSCA

Case Number(s)

2020-1346

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Sandhu

Language of Judgment

Arabic

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Standard of review (judicial)

Termination of appointment

Applicable Law

Administrative Instructions

- ST/AI/2020/5

Staff Rules

- Rule 4.13(c)

UNAT Statute

- Article 2.1
- Article 2.3

Related Judgments and Orders

UNDT/2019/160

2017-UNAT-742

2011-UNAT-153

2010-UNAT-084

2016-UNAT-660

2019-UNAT-911

2012-UNAT-201