

2020-UNAT-1044, Handy

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that it was unable to detect any fault in the UNDT's conclusion that the negative narrative comments and the performance appraisal itself constituted a reviewable administrative decision. UNAT held that the negative narrative comments detracted from the overall satisfactory performance appraisal of the Appellant and had present and direct legal consequences for the Appellant's terms of appointment, thus the comments and the performance appraisal constituted a final administrative decision. UNAT held that the application was receivable *ratione materiae* and that the impugned decision was unlawful. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested negative narrative comments in his performance appraisal report. UNDT found that the Application was receivable and that the comments constituted an administrative decision as they detracted from his favourable overall rating and had direct adverse legal consequences for the Applicant. UNDT concluded that the performance appraisal was unlawful and ordered it to be amended.

Legal Principle(s)

An appealable administrative decision is a decision whereby its key characteristic is the capacity to produce direct legal consequences affecting a staff member's terms and conditions of appointment.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Handy

Entity

MINUSCA

Case Number(s)

2020-1389

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2020

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Performance management

Performance evaluation

Applicable Law

Administrative Instructions

- ST/AI/2010/5

UNDT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2020/030

2015-UNAT-546

2014-UNAT-460

2014-UNAT-481

2018-UNAT-840

2019-UNAT-967

2019-UNAT-917

2020-UNAT-1004