

# 2021-UNAT-1090, Marius Mihail Russo-Got

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT correctly concluded that Mr Russo-Got's application against the abolition of his post was not receivable, as he had failed to make a request for management evaluation within time. UNAT held that UNDT also correctly dismissed his application against the non-renewal of his FTA because he had received notice of the date of the non-renewal, there was no express promise to renew, and UNOPS was not obliged to find him an alternative post.

## Decision Contested or Judgment/Order Appealed

The decisions to abolish Mr Russo-Got's post and to not renew his fixed-term appointment.

## Legal Principle(s)

Evidential factors compensate for the apparent lack of any formal meeting record and favour the Administration's case in terms of notification of abolition of Mr Russo-Got's post on 25 October 2018. The Organization is accorded a broad discretion to reorganize its operations. UNAT will not interfere in such genuine restructuring, which may result in losses of employment by staff. The Administration is obliged to act fairly, justly, and transparently and without bias, prejudice, or improper motives. Even successive FTA renewals do not give grounds for a legitimate expectation of further renewal. There is no obligation for UNOPS to find a staff member on FTA such as Mr Russo-Got an alternative post.

## Outcome

Appeal dismissed on merits

Outcome Extra Text

Appeals dismissed and judgment Nos. UNDT/2020/072 and UNDT/2020/088 affirmed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Marius Mihail Russo-Got

Entity

UNOPS

Case Number(s)

2020-1410

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

President Judge

Judge Colgan

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Alternative appointment

Appointment (type)

Fixed-term appointment

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Non-renewal

Applicable Law

Staff Rules

- Rule 4.13
- Rule 9.4
- Rule 9.6

Related Judgments and Orders

UNDT/2020/072

UNDT/2020/088

2019-UNAT-902

2018-UNAT-881

2018-UNAT-889

2019-UNAT-900

2018-UNAT-825

2018-UNAT-847