

2021-UNAT-1142, Edward E. Hammond

UNAT Held or UNDT Pronouncements

Mr. Hammond's appeal is defective, as it does not address the issue of receivability or the UNDT's finding that his application contesting his 2016-2017 performance appraisal was not receivable. Mr. Hammond's application was not receivable as the reclassification decision was taken by the General Assembly. It is not erroneous to call the reclassification of Mr. Hammond's P-4 post to an FS-6 post a "conversion" or an "abolishment" because, in effect, this classification resulted in Mr. Hammond's P-4 being abolished and replaced by, or converted into, an FS-6 post.

Decision Contested or Judgment/Order Appealed

UNDT/2020/096, in which UNDT dismissed Mr. Hammond's application regarding his 2016-2017 performance appraisal and the decision to reclassify his post.

Legal Principle(s)

It is mandatory that a copy of the Rebuttal Panel Report be placed with the original performance appraisal in a staff member's official status file so that the two documents might be read in conjunction with each other. A comment in a satisfactory appraisal is not a final administrative decision if it does not detract from the overall satisfactory performance appraisal and has no direct legal consequences for the staff member. Only decisions of the Secretary-General are administrative decisions under Articles 2(1)(a) and 10(5)(a) of the UNDT Statute, but not decisions of the General Assembly, which is the "lawmaker" of the United Nations and whose decisions are of a legal or regulatory character. The Staff member has to challenge the administrative decision that follows from the implementation of, or is based on, the (legal or regulatory) decision of the General Assembly. The response from MEU is not an appealable administrative decision; the staff member must challenge the original and underlying administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Edward E. Hammond

Entity

UNAMID

Case Number(s)

2020-1433

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Jun 2021

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Performance management

Applicable Law

Administrative Instructions

- ST/AI/1998/9
- ST/AI/2010/5

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2014-UNAT-460

2015-UNAT-546

2014-UNAT-420

2016-UNAT-697

2017-UNAT-740