

2021-UNAT-1169, Oldrich Andrysek

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by Mr. Andrysek. UNAT dismissed the appeal and affirmed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

Before the UNDT, Mr. Oldrich Andrysek, a staff member in between assignments (SIBA) with UNHCR contested the decision to place him on Special Leave Without Pay (SLWOP) effective 11 June 2019. The UNDT, in Judgment No. UNDT/2020/190, dismissed the application, by majority decision with Judge Buffa dissenting.

Legal Principle(s)

The general principle of the right to work has to be interpreted in light of the applicable legal framework, particularly the specific shared responsibility of both the staff member and UNHCR to find alternative suitable and vacant posts to situations such as the present one.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Oldrich Andrysek

Entity

UNHCR

Case Number(s)

2021-1504

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)
Full and fair consideration

Applicable Law

Staff Regulations

- Regulation 9.3
- Regulation 9.3(a)
- Regulation 5.3

Staff Rules

- Rule 9.6(e)

Related Judgments and Orders

2017-UNAT-730

2021-UNAT-1136