

# **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