

UNDT/2021/167, Chocobar

UNAT Held or UNDT Pronouncements

- Having weighed both accounts of the factual background of the case, alongside the evidence on record, the Tribunal finds that there was clear evidence of unsatisfactory performance during the period leading to the Applicant's separation from service. Thus, it finds no wrong in the decision to terminate the Applicant's continuing appointment. - The accidents reported by the Applicant occurred after she received the letter terminating her contract effective immediately. Hence, at the time of the accident the Applicant was no longer a staff member of the Organization. As a result, she was not entitled to sick leave and, accordingly, there is no basis for her claim that she should have been retained in service to allow her to exhaust her sick leave entitlements prior to her separation. Thus, the contested decision was lawful.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to terminate her continuing appointment for unsatisfactory service and without allowing her to exhaust her sick leave entitlements.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Chocobar

Entity

UNGSC

Case Number(s)

UNDT/GVA/2021/1

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Dec 2021

Duty Judge

Judge Belle

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Continuing appointment

Benefits and entitlements

Sick leave

Separation from service

Termination (of appointment)

Disciplinary sanction

Applicable Law

Staff Regulations

- Regulation 9.3(a)(ii)

Staff Rules

- Rule 9.6(c)(ii)