

# UNDT/2022/052, Mwizerwa

## UNAT Held or UNDT Pronouncements

The Applicant's roster membership did not give her a right to appointment to FS-5 positions and did not give her a right to be placed against available positions on a priority and non-competitive basis. The Organization has no obligation to assist a staff member affected by downsizing to obtain a non-competitive promotion. The Administration's obligation is to make proper, reasonable, and good faith efforts to assist the Applicant in finding an alternative post at her level or at a lower grade but not at a higher level.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the Respondent's decision to terminate her continuing appointment without any attempt by the Administration to secure her alternative positions.

## Legal Principle(s)

Roster membership does not necessarily mean that a staff member meets the requirements or possesses the specific qualifications for a particular job opening. A roster candidate must still be suitable for the specific position. The obligation under staff rule 9.6(f) is mutual, and while the Organization has an obligation to make reasonable and good faith efforts to assist the downsized staff member to find alternative positions, the staff member has an affirmative duty to apply for suitable alternative positions

## Outcome

Dismissed on merits

Outcome Extra Text

## Full judgment

[Full judgment](#)

Applicants/Appellants

Mwizerwa

Entity

UNAMID

Case Number(s)

UNDT/NBI/2021/50

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

27 May 2022

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Alternative appointment

Abolition of post

Applicable Law

Staff Rules

- Rule 13.1(d)
- Rule 9.6

Related Judgments and Orders

2017-UNAT-762

2014-UNAT-416

2017-UNAT-765

2017-UNAT-759

2016-UNAT-705

2018-UNAT-847

2017-UNAT-730