

UNDT/2023/144, Tadic

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had not met the requisite standard to rebut the presumption that the restructuring was genuine and therefore a valid reason for not renewing her FTA.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of the United Nations Office for Project Services ("UNOPS"), filed an application contesting the decision on the abolishment of her post and the non-renewal of her fixed-term appointment ("FTA").

Legal Principle(s)

A restructuring exercise which may result in loss of employment for staff members falls within the Secretary-General's discretionary authority (see, for instance, *Loeber* 2018-UNAT-844). The Appeals Tribunal has affirmed that the Tribunals will not interfere with a genuine organizational restructuring exercise even though it may have resulted in the loss of employment of staff (see, for instance, *Matadi et al* 2015-UNAT-592) and the restructuring may have been unwise (see, for instance, *Collins* 2020-UNAT-1021). There is, however, a duty for the Administration to act fairly, justly, and transparently in dealing with staff members during a restructuring exercise (see *Abdeljalil* 2019-UNAT-960).

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Tadic

Entity

UNOPS

Case Number(s)

UNDT/NY/2022/050

Tribunal

UNDT

Registry

New York

Date of Judgement

28 Dec 2023

Duty Judge

Judge Sikwese

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Applicable Law

Staff Rules

- Rule 4.13(c)

Related Judgments and Orders

2023-UNAT-1367

2018-UNAT-844

2015-UNAT-592

2020-UNAT-1021

2019-UNAT-960

2023-UNAT-1359