



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/150

Judgment No.: UNDT/2021/021

Date: 9 March 2021

Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

BATTISTA

verify her employment and academic background and specified the employment history to be verified.²

6. On 30 April 2019, the RVU notified the Applicant of the contested decision.³

7. On 26 June 2019, the CoS requested the Chief Human Resources Officer to recruit from roster selection exercise to fill the Position.⁴

8. On 16 July 2019, UNISFA informed the Applicant of the non-renewal of her temporary appointment.⁵

9. The Applicant separated from the Organization on 14 October 2019.⁶

10. On 23 October 2019, the Tribunal received an application challenging the contested decision.

11. The Respondent filed a reply on 27 November 2019.

12. The Applicant filed a rejoinder to the reply on 11 January 2021.

13. On 9 February 2021, at the CMD, the parties agreed that the application would be determined based on their pleadings and supporting documentation without the need for an oral hearing.

14. The Applicant and Respondent filed closing submissions on 19 and 24 February 2021 respectively.

² Reply, annex R/3/

³ Application, annex 2.

⁴ Reply, annex 5.

⁵ Reply, annex 6.

⁶ Reply, annex 4.

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1. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Secretary-General as the Chief Administrative Officer of the United Nations:

(a) To appeal an administrative decision that is alleged to be in noncompliance with the terms of appointment or the contract of employment, the appeal must include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged non-compliance.

23. For an application to be receivable, the decision being challenged must be an administrative decision. One of the key characteristics of an administrative decision is that it is a decision that affects the employment contract or terms of appointment.⁸

24. It is the duty of the Applicant to show the Tribunal that the impugned decision has a direct adverse impact on her terms of appointment or contract of employment.

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