



JUDGE JOHN RAYMOND MURPHY, PRESIDING.

1. Mr. Leobard Antoine Houenou contested the decision not to extend his temporary appointment with

6. However, on the same day, a human resources officer at MINUSCA raised a request for the extension of Mr. Houenou's temporary appointment. The extension request was

and upon a further review of operational and programmatic requirements, and that he had been given a two-week notice in accordance with the rules governing the administration of temporary appointments.

10. On 26 September 2017, Mr. Houenou submitted a request for management evaluation regarding his separation by way of non-renewal on 30 September 2017. The next day, he filed an application for a suspension of action with the Dispute Tribunal.

11. On 4 October 2017, the Dispute Tribunal issued Order No. 167 (NBI/2017), in which it granted Mr. Houenou's application for a suspension of the contested decision, pending management evaluation, finding *inter alia* a case of *prima facie* illegality for the fact that the loan agreement had been unilaterally altered in mid

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21. The MINUSCA Administration did not make a firm commitment to renew Mr. Houenou's temporary appointment for one year.

22. The record shows that Mr. Houenou was not aware of the raising of a personnel action or the extension of the expiry date of his security badge. He therefore cannot rely on those factors to support his claim of a legitimate expectation of one-year renewal. Neither could the loaning of a post raise a legitimate expe

not contested the “undisputed fact” of the OiC’s lack of authority on appeal. Therefore, while the OIC could perform certain functions in the absence of the DMS, the limited and undisputed facts on record compel a finding that approval of recommendations for the renewal of a temporary appointment was not one of them. As the OiC did not have the delegated authority to approve a renewal, his approval was *ultra vires*, made in error and did not bind the Organization. Once the DMS discovered the error, he had a duty to correct it, which he promptly did five days later on 17 July 2017.

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Secretary-General's discretion in operational and budgetary matters and there is no credible evidence that it was unlawfully taken or tainted by improper motives. On the contrary, there is evidence that the project had not delivered as expected and that outsourcing could significantly reduce costs. These were legitimate considerations appropriately taken into account. The decision was thus a proper exercise of discretion in light of the MINUSCA's budgetary situation.

33. In any event, the UNDT correctly held that Mr. Houenou's challenge to the legality of MINUSCA's decision to outsource the functions within the Hard Wall Project was not receivable *ratione materiae*

Judgment

35. The appeal is dismissed and Judgment No. UNDT/2020/070 is affirmed.

Original and Authoritative Version: English

Dated this 19 day of March 2021.

*(Signed)*

Judge Murphy, Presiding  
Cape Town, South Africa

*(Signed)*

Judge Colgan  
Auckland, New Zealand

*(Signed)*

Judge Sandhu  
Vancouver, Canada

Entered in the Register on this 21 day of April 2021 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar