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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/018

Judgment No.: UNDT/2020/098

Date: 2







date on which the staff member received notification of the administrative decision to be contested.

21. Article 8.1(c) of the Dispute Tribunal's Statute provides that an application





before the Dispute Tribunal. It follows that the Administration never properly addressed its mistake by giving the Applicant appropriate clarification and notification of correction.

36. There is an implied duty of care on the Respondent to properly administrate its dealings with staff members and inform them clearly of mistakes that need to be corrected. The Tribunal finds there to have been poor management and communication in the present case on the part of HR and also on the part of the Director of Mission Support who sent the Applicant a letter clarifying his contract status without addressing the grave mistake made by HR in its previous emails to the Applicant.

37. The Tribunal therefore understands that in light of HR's emails on 16 and 17 October 2018, the Applicant could have reasonably understood by mistake that his contract would be further extended pending proceedings in his cases before the Dispute Tribunal.

38. However, the Tribunal finds that notwithstanding the very poor management of the matter by UNAMID, the 11 November 2018 letter of Director of Mission Support makes it clear to the Applicant that the only reason that the Applicant's contract was being renewed was to allow the Applicant to utilize his sick leave entitlements pursuant to sec. 3.9 of ST/AI/2005/3 and that there was no expectation of renewal beyond this period.

39. It follows that the Applicant was notified clearly on 11 November 2018 that his contract was only being renewed periodically to allow the Applicant to utilize his sick leave furleave furleave furleave.00006-I12 .-W\*nBT/F1 12 Tf1 0-563Ap3.9376(ve)4( )-99JETqq.0000991



## **Conclusion**

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