



# UNITED NATIONS APPEALS



**JUDGE INÉS WEINBERG DE ROCA, Presiding.**

1. The United Nations Appeals Tribunal (Appeals Tribunal) is seized of an appeal filed by Mr. Brian Larkin against Judgment No. UNDT/2011/179 rendered in Geneva by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal), in the case of *Larkin v. Secretary-General of the United Nations* on 18 October 2011. Mr. Larkin appealed on 5 December 2011, and the Secretary-General filed his answer on 12 March 2012.

**Synopsis**

2.

6. On 22 July 2009, Mr. Larkin sought OSLA's assistance in contesting the decision not to renew his appointment and other related decisions. On 30 July 2009, OSLA assigned Mr. Larkin counsel to assist with the preparation of his application to the UNDT. Mr. Larkin objected to the draft prepared by this counsel and requested alternative counsel. The Chief of OSLA contacted Mr. Larkin on the same day to discuss the situation, and subsequently sent Mr. Larkin a consent form, which Mr. Larkin signed and returned on 17 September 2009.

7. On 5 October 2009, OSLA informed Mr. Larkin that the Chief of OSLA, a former UNHCR staff member, would be willing to approach UNHCR, on Mr. Larkin's behalf, to broach an amicable agreement. The extended time limit for filing an application with the UNDT was 6 October 2009. OSLA repeatedly attempted to contact Mr. Larkin in the following days and finally, on 19 November 2009, wrote to advise Mr. Larkin that, in the event he failed to contact OSLA, it would be assumed that he no longer required their assistance.

8. On 4 December 2009, Mr. Larkin contacted OSLA to complain about the representation he had received and asserted that the Chief of OSLA concealed his former relationship with UNHCR when he telephoned him.

9. On 28 March 2010, Mr. Larkin filed an application with the Dispute Tribunal contesting the decision taken by the Chief of OSLA not to disclose a conflict of interest. On 2 February 2011, the UNDT rendered Judgment No. UNDT/2011/028, dismissing Mr. Larkin's application. The Judgment ruled that the alleged omission forming the basis of Mr. Larkin's application was not an administrative decision subject to review by the UNDT.

10. On 21 March 2011, Mr. Larkin filed an appeal before the Appeals



for voluntary legal assistance from staff members created a conflict of interest, then OSLA would be unable to repres



**Judgment**

27. For the foregoing reasons, Mr. Larkin's appeal is dismissed.

Original and Authoritative Version: English

Dated this 1<sup>st</sup> day of November 2012 in New York, United States.

*(Signed)*

Judge Weinberg de Roca,  
Presiding

*(Signed)*

Judge Simón

*(Signed)*

Judge Chapman

Entered in the Register on this 18<sup>th</sup> day of January 2013 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar