



1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by the Secretary-General of the United Nations against Judgment No. UNDT/2012/110, rendered by the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Geneva on 20 July 2012 in the case of *Applicant v. Secretary-General of the United Nations*. The Secretary-General appealed on 14 September 2012 and the Appellee answered on 23 November 2012. That same day, the Appellee submitted a cross-appeal and the Secretary-General answered on 23 January 2013.

Facts and Procedure

2. On 1 September 2009, the Appellee commenced a two-year fixed-term appointment through 31 August 2011, with the Office of Staff Legal Assistance (OSLA), Office of Administration of Justice. The Appellee was initially based in Beirut and was transferred to Geneva in June 2010.

3. Upon the expiry of her two-year appointment on 31 August 2011, and pending the completion of her performance appraisals for 2009-2010 and 2010-2011 and her rebuttals of these appraisals, the Appellee's appointment was extended for one month until 30 September 2011, and then successively until 11 November 2011, 11 December 2011, 11 March 2012 and 11 June 2012. Effective 12 June 2012, her appointment was renewed for one year.

4. Before the UNDT, the Appellee filed two separate applications, contesting (a) the first decision to extend her fixed-term appointment for only one month, until 30 September 2011; and (b) the subsequent decisions to only renew her appointment for short periods of time, until 11 December 2011.

5. On 20 July 2012, the UNDT in Geneva issued Judgment No. UNDT/2012/110, disposing of both applications. The UNDT considered the three decisions to extend the Appellee's appointments broadly on a monthly basis from 1 September to 11 December 2011. The UNDT's subsequent decision (UNDT/12/54) ordered the Appellee to

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the Judgment in its entirety, or, in the alternative, to vacate or reduce the award of moral damages.

The Appellee's Answer

10. The Appellee submits that the Secretary-General's appeal is not receivable. The UNDT neither exceeded its competence nor did it err on a question of law when it concluded that the applications were partially receivable.

11. The Appellee submits that the UNDT correctly concluded that the short-term extensions were unlawful and committed no

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Judgment No. 2013-UNAT-341

Original and Authoritative Version: English

Done in New York, United States.

(Signed)

Judge Weinberg de Roca,
Presiding
21 June 2013

(Signed)

Judge Simón
28 June 2013

(Signed)

Judge Faherty
28 June 2013

Entered in the Register on this 26th day of August 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar