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1.1 The Appellant was a staff member of the Economic Commission for Africa (ECA) on a fixed-term appointment that expired 31 December 2015. He filed an application to the United Nations Dispute Tribunal (the UNDT or Dispute Tribunal) to dispute the decision to not renew the appointment. In Judgment No. UNDT/2019/137 (the Judgment), the Dispute Tribunal partially granted the application and awarded compensation for financial damage, with interest, in the amount of eight months'

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6.! By letter dated 8 March 2016, the Officer-in-Charge of the Management Evaluation Unit (MEU) acknowledged receipt of the request and indicated the request was received on 7 March 2016 and stated that the 45-day period for evaluation of the administrative decision would begin to run from the date the request was received. That 45-day period ended 20 July 2016.

7.! On 20 July 2016, the Appellant filed an application to the Dispute Tribunal.

8.! On 23 August 2016, the Under Secretary-General for Management responded to the request for management evaluation.

9.! The Appellant received other employment eight months after the non-renewal of his appointment with IDEP.

10.! In its Judgment, the Dispute Tribunal held:

(a)! the non-renewal was an administrative decision subject to review and appeal;

(b)! in the case of a non-response to a request for management evaluation, the time to file an application to the Dispute Tribunal is to be calculated from the date of receipt of the request by MEU which in this case is 7 March 2016;

(c)! the application to the Dispute Tribunal, is, therefore, receivable  
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(d)! the ECA's refusal to give reasons for the impugned decision was unlawful;

(e)! the Appellant's non-renewal was due to an improper purpose, na

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(h)!the Appellant's plea for moral damages fails as he relied solely on his testimony to support the claim, which did not meet the requisite proof established in Kallon.

### Submissions

#### Appellant's Appeal

11.! The Appellant submits that the Dispute Tribunal erred in law resulting in a manifestly unreasonable decision, by:

- a)! reducing the amount of compensation for loss of employment taking into consideration mitigating factors and limited economic loss; and
- b)! applying the *K* jurisprudence to the Appellant's testimony without

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The Secretary-General's Answer



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Judgment

46.! We affirm the Dispute Tribunal's Judgment No. UNDT/2019/137 and dismiss the appeal.