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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2011/018 &  
UNDT/NBI/2011/036  
Order No.: 150 (NBI/2011)  
Date: 30 November 2011  
Original: English

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her performance for the period of May 2009 to March 2010. The Applicant was then informed by her FRO that her performance would receive a rating of 'unsatisfactory'.

7. On 6 August 2010, the Applicant met with her FRO to discuss her e-PAS, her performance concerns as well as the need for her to complete her 2010-2011 work plan. On 24 August 2010, the Applicant indicated to her supervisor that she had been unable to access her e-PAS for the previous four weeks owing to a failure of her password. On the same day, the supervisor replied and instructed the Applicant to call the Information Technology Help Desk for assistance.

8. The e-PAS for the period of 2009-2010 was signed by the FRO on 8 October 2010 followed by the signature of the SRO on 19 November 2010. The Applicant received a rating of 'partially meets performance expectations.'

9. Thereafter, the Applicant wrote an email to her supervisors on 14 December 2010 expressing her concerns and surprise at the overall rating and comments contained in her e-PAS for 2009-2010. She requested her FRO for reasons as to why the result of this assessment had not been shared with her in March 2010 at the time her contract was renewed. She also provided additional information and requested an opportunity to discuss the review of the performance assessment for the said period.

10. In light of this state of affairs, the Applicant expressed to her FRO her

13. On 15 February 2011, the Applicant met with her FRO and SRO to discuss the appraisal of her performance for the 2009-2010 e-PAS cycle. During the said meeting the FRO indicated that the overall rating in her e-PAS would not be changed.

14. The following day, 16 February 2011, the Applicant wrote to her FRO indicating that her request for the development of a PIP had not been acknowledged. The FRO replied on 17 February 2011 stating that he had never refused to discuss the issues of her performance and had met with her on three occasions to formally discuss the e-PAS. On 20 February 2011, the Applicant filed an incomplete rebuttal statement challenging her performance appraisal for the period of 2009-2010.

15. On 11 March 2011, the FRO confirmed to the Human Resources Management Services of UNON (“HRMS of UNON”) that the Applicant’s contract would not be renewed due to ‘unsatisfactory performance’. On the same day, the Applicant uploaded her final work plan for the performance cycle ending on 31 March 2011.

16. By an email circulated within DEPI in the month of April 2011, staff members were informed that another colleague in the Global Programme of

19. Having considered that the Applicant should be given an opportunity to complete the rebuttal process of her e-PASes for the periods of 2009-2010 and 2010-2011, the Tribunal issued Judgment No. UNDT/2011/076 dated 29 April 2011 wherein it decided that the impugned decision would be suspended for 14 working days following the date on which notification of the report(s) of the

UNDT. The Tribunal thereby considered that the decision should remain suspended.

### **Consideration**

25. On 16 September 2011, the Applicant filed an application to withdraw cases UNDT/NBI/2011/018 and UNDT/NBI/2011/036.

26. The Applicant stated that as a result of having resolved her cases through the informal process, she is therefore withdrawing her Applications and is requesting the Tribunal to formally discharge the suspension of action Judgments, namely Judgments No. UNDT/2011/076 and UNDT/2011/135.

### **Conclusion**

27. In light of the Applicant's notice of withdrawal of her suspension of action