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Case No.: UNDT/NY/2010/077

Order No.: 327 (NY/2010)

Date: 10 December 2010



6. In November 2008, the Staff Representative advised that she was no longer able to sit on the Rebuttal Panel due to a conflict of interest and another person was subsequently identified to replace her.
7. In May 2009, the Rebuttal Panel members tentatively organised interviews with the Applicant and the First and Second Reporting Officers. However, the Chairperson withdrew from the Rebuttal Panel due to exigencies of service. The interviews did not take place.
8. Having been requested by the Executive Office, DM to identify a new Chairperson, the Applicant did so. The Executive Office was informed that the second Staff Representative would no longer be available, and, by the end of May 2009, the second Chairperson returned the case to the Executive Office, indicating that he was unable to review the Applicant's PAS rebuttal due to work commitments.
9. On 29 January 2010, the Applicant submitted an incomplete request for management evaluation.
10. By email dated 1 February 2010, the Management Evaluation Unit ("MEU") requested that the Applicant print

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19. On 19 May 2010, the Rebuttal Panel issued its Rebuttal Report, indicating therein that there was insufficient documentary evidence to sustain the finding of “partially meeting performance expectations” and that

24.





- a. whether the protracted rebuttal process regarding the Applicant's e-PAS report for 2006-2007 in itself constituted a compensable breach of the Applicant's contract; and
  - b. if so, to what compensation is the Applicant then entitled.
34. The Tribunal will revert with further orders for managing the remainder of the case.

*(Signed*