



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/030

Judgment No.: UNDT/2018/057

Date: 08 May 2018

Original: English

Before: Judge Goolam Meeran

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NAKWAFIO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Thomas Jacob, UNDP

INTRODUCTION

1. The Applicant is

c. The Applicant's separation from service was not the result of a termination and as such, staff rule 9.6(e) does not apply. OCHA/DRC was under no legal obligation to take steps to reassign the Applicant to another post. Rather, the Applicant's appointment was not renewed as indicated in the notification he received.

d. The Applicant received due consideration for a suitable post within OCHA/DRC. Following the completion of a comparative analysis, OCHA/DRC determined that the Coordinated Assessments Specialist, who had been recruited to perform Programme Monitoring and Evaluation functions, was better suited than the Applicant to support the Coordination Section's Humanitarian Response Plan and Programme Monitoring and Evaluation functions.

e. The Applicant has not met his burden of proof regarding his claim for retaliation. The existence of a prior workplace disagreement is not, in

9. On 30 September 2015, Ms. Alice Sequi, Chief of Section, Central and West Africa, OCHA, HQ, sent an email to the Head of Office advising him that the front office had informed her that OCHA/DRC “should be showing a zero growth on [its] 2016 cost plan (relative to 2015 presumably)”.

10.

19. In *Munir* 2015

without any ulterior motive to disadvantage the Applicant or otherwise to act to his detriment?

c. Did the Applicant have any legitimate expectation of renewal of his fixed term appointment?

23. The Tribunal is satisfied that the Respondent has provided sufficient evidence to support the submission that OCHA was, at the material time, under pressure to effect substantial savings in its budget and that the Organization had constantly to review its operational priorities to meet changing demands and budgetary constraints.

24. The decision to abolish the post encumbered by the Applicant was taken for legitimate business needs in that it was within the discretion of the decision makers within OCHA to conclude that the functions being performed by the Applicant at the time were part of OCHA's core mandate and that there was not the need to have a dedicated unit to carry them out

