



JUDGE JEAN COURTIAL , Presiding.

Synopsis

1. Mr. Panayiotis (Panos) Liverakos, who had been recruited under a fixed-term contract governed by the 200 series of the Staff Rules to a post in the United Nations Thessaloniki Centre for Public Service Professionalism (UNTC), contested the administrative decision not to renew his appointment, which had expired. The Appeals Tribunal considers that the United Nations Dispute Tribunal did not make any errors of fact resulting in a manifestly unreasonable judgment in finding that the reason given by the Admi

Joint Appeals Board (JAB) on 21 August 2006. On 5 December 2007, The JAB adopted a report recommending that the appeal should be rejected and on 29 February 2008, the Deputy Secretary-General notified Mr. Liverakos of her decision to follow the Board's recommendation.

5. Mr. Liverakos submitted his application to the former United Nations Administrative Tribunal on 1 July 2008. Following the abolition of that court, the case was transferred to the Dispute Tribunal.

6. The Dispute Tribunal issued Judgment UNDT/2011/039 on 25 February 2011. It found that the reason given by the Administration for the non-renewal of Mr. Liverakos' appointment, namely the prospect of the Centre's imminent closure, was borne out by the documents on record, which did not show that the decision not to renew his contract had been taken in retaliation against Mr. Liverakos' criticism of the manner in which the Department of Economic and Social Affairs had managed the Centre. The Dispute Tribunal - which, moreover, found that the fact that the Centre had been closed as a result of mismanagement by the Department of Economic and Social Affairs had no bearing on the non-renewal of Mr. Liverakos' appointment - dismissed his application.

Submissions

The Appellant

7. Mr. Liverakos contends that the Dispute Tribunal failed to exercise the jurisdiction vested in it by failing to determine whether the United Nations and senior staff members from the Department of Economic and Social Affairs were liable for the mismanagement of the Centre, which led to the non-renewal of his contract.

8. Mr. Liverakos also argues that the Dispute Tribunal erred on questions of fact by failing to give sufficient consideration to the evidence that he submitted, which showed that the decision not to renew his contract was retaliatory. He maintains that senior staff members from the Department of Economic and Social Affairs thereby sought to get rid of a staff member whom they perceived as unwilling to dissuade the GreekGhis contract.

15. The Tribunal recognizes that the Appellant makes several troubling allegations. It is clear from the documents on file that he cooperated in the Office of Internal Oversight Services investigation into the mismanagement of the Centre and the offences that may have been committed by senior staff of the Department of Economic and Social Affairs; that an unusually severe evaluation of his performance was signed on 16 January 2006 without his knowledge; and that a vacancy announcement for his post of Chief Technical Advisor at the Centre was published after the termination of his employment. However, as the Dispute Tribunal noted, the post was not filled and the Centre was indeed closed in 2006. The Appellant failed to submit sufficiently clear and convincing evidence that the desire to retaliate against him was a key factor in the decision not to renew his appointment.

16. Thus, it does not appear that the Dispute Tribunal, which did not err on questions of law, made errors of fact resulting in a manifestly unreasonable judgment.

17. It follows from the foregoing that the appeal is unsubstantiated. It must be dismissed.

THE UNITED NATIONS APPEALS TRIBUNAL

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Judgment No. 2012-UNAT-206