

Introduction

1. This is an appeal against the decision of the Tribunal in its judgment of 10 October 2011 (UNDT/2011/10) in the case of the Applicant against the Respondent. The Tribunal found that the Applicant had not provided sufficient evidence to establish that the Respondent had not been the subject of a management evaluation and that the Tribunal's decision was not manifestly unreasonable. The Tribunal's decision is hereby confirmed.¹

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Parties' submissions

1D. The Applicant submits that:

a. The Applicant did not exercise the entire term of the mandate of the Commission of Enquiry and the Commission of Enquiry for the management of the debts on not to demote him from P09 to P03 as a result of the contested debts on

b. The Commission of Enquiry testifies and denies the fact that the Commission had never been made to exercise the debts on to demote him

c. He offered to read the memo of 9 December 2009 at the Commission's hearing. He alleges that on 12 June 2013 the Commission

d. The fact that the debts on concerning the demotion was deemed not to have been exercised because the Applicant did not exercise management of the debts on - is a matter that the Commission was not a party to the fact that he had made the Commission

e. In his pleadings made to the Commission in his submission, he sought to have the Commission admit that he had sought management of the debts on for the Commission from the time he was appointed to his position in 2003. He alleged that in his letter of 29 December 2012 the Commission admitted that the memo of 9 December 2009 in which he requested the Commission to exercise the debts on had never been made - had also included the issue of his demotion and

f. In his letter of 12 June 2013 the Commission referred to the Applicant's contention that the Applicant had not exercised the entire term of the Commission's management of the debts on dated 3 December 2010.

19. The Commission submitted that the Applicant has not met the conditions for the issuance of judgment because:

a. He alleged that he did not exercise the entire term of the Applicant's mandate and the Commission at the time the judgment was rendered. The Applicant should

have mentioned to the Tribunal that the 45U had also raised an issue in his
 statement of management evaluation

.. The allegations that the respondent gave a false testimony on the fact
 that he had not received management evaluation are unsubstantiated

#. The respondent's letter of 29 December 2012 and 12 June 2013 cannot
 be considered as new evidence of the contents of the summary of 29
 December 2012 have been known to the Applicant. The 12
 June 2013 summary is a summary of the Applicant's management
 evaluation when he was not a member of the Tribunal

d. The Applicant's testimony to his post-termination hearing he refers to as a
 demonstration in the 9 December 2009 email - 1 as a measure of the
 Applicant's terms of appointment of 21 April 2007 as sufficient as a
 confirmation of an employee's position and not a new position and

e. The Applicant's action is frivolous and is an abuse of process
 that requires an award of costs.

Considerations

20. Article 12.1 of the statute - hearing is held in art 29.1 and 29.2 of the
 Tribunal's Rules of Procedure - provides that:

5. The applicant may refer to the Dispute Tribunal for a decision on an
 appeal. The judgment on the merits of the decision of a decision is
 final and binding at the time the judgment is rendered - known to the
 Dispute Tribunal and to the applicant. The applicant's appeal is
 considered that sufficient grounds are not due to negligence. The
 applicant must be made within 30 calendar days of the decision
 of the fact and within one week of the date of the judgment.

21. Pursuant to art. 11.3 of the statute of the Tribunal - the judgments of the
 Dispute Tribunal shall be final. The appeal of the appeal is considered
 for appeal in the statute of the Appeal Tribunal. In this case - the time for appeal

of the Judgment rendered on 21 August 2011 following the judgment of the Administrative Tribunal. The Administrative Tribunal was composed of three members, including the President and two members, on 29 June 2012. The Judgment was issued in accordance with the provisions of the Statute at the time that it was rendered.

22. The decision rendered on 21 August 2011 by the Administrative Tribunal was that the issue of the setting of the Administrative Tribunal's position had been the subject of a request for management evaluation.

23.

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