

the Administration to pay compensation for the injury that the Applicant would have suffered.

IV. The Joint Appeals Board concluded that, taking into account such factors as the unjustified Performance Evaluation Report and the uncommunicated changes in future employment recommendations, the Administration should make an *ex gratia* payment to the Applicant of an amount equivalent to eight months of net base salary. In turn, the Secretary-General decided to make an *ex gratia* payment equivalent to three months of net base salary at the time of separation from service. The Tribunal is unable to find any grounds advanced by the Applicant that would enable it to make an additional award.

V. The Applicant has also sought production of two documents originating in the Port-of-Spain Office during the period of his service there. These documents were produced by the Respondent in the course of this proceeding. The Tribunal does not consider that they have any relevance to the issues raised in this case.

VI. Included in the documentation submitted by the Applicant during the course of the proceedings is a telegram with new pleas. Even if these pleas had been properly presented to the Joint Appeals Board, the Board expressed no opinion thereon and, therefore, these pleas are not receivable by the Tribunal under Article 7, paragraph 1, of the Statute.

VII. For these reasons, the Tribunal rejects the application.

(Signatures)

Suzanne BASTID
Vice-President, presiding

Luis de POSADAS MONTERO
Member

Herbert REIS
Member

Nicholas TESLENKO
Acting Executive Secretary

New York, 6 October 1982

Judgement No. 298

(Original: English)

Case No. 276:
Délano de Stuvén

**Against: The Secretary-General
of the United Nations**

Non-renewal of the fixed-term appointment of a staff member of the Latin American Institute for Economic and Social Planning (ILPES).

Precarious contractual position of the Applicant in ILPES.—Facts which encouraged the Applicant to believe that some solution would be found for her continued employment in the United Nations system.—Judgement No. 142.—The Applicant could reasonably expect continued employment.—Allegations by the Applicant that she was subject to discrimination and prejudice on the part of the Respondent.—Allegations rejected by the Joint Appeals Board and the Tribunal.—Acceptance by the Respondent of the recommendation of the Joint Appeals Board to make renewed efforts during a period of 6 months to find a post for

“B. To overrule the decision of the Secretary-General dated 22 April 1981 rejecting the Board’s recommendation for an indemnity payment; and

“C. To find that the Applicant had an expectancy of continued service within the United Nations system until she reached normal retirement age, or at minimum through 31 December 1978; and

“D. To find that this expectancy created a reciprocal obligation on the part of the Respondent, which was not fulfilled; and

“E. To find that both before and after the non-renewal of her appointment the Respondent failed to meet reasonable standards of fairness and good faith towards the Applicant, causing her moral, emotional, physical and financial damage; and

“F. To order payment to the Applicant of full salary and allowances at least through 31 December 1978; and

“G. To order payment to the Applicant of a termination indemnity of 12 months of pensionable remuneration based on 16 years of service according to the schedule contained in Annex III; and

“H. To order payments to the Applicant of a just and reasonable compensation for the damages suffered and for the loss of expected pension benefits.

“I. To order reimbursement of expenses reasonably incurred by the Applicant in prosecuting this Appeal, such as typing and secretarial services.”

Whereas the Respondent filed his answer on 31 March 1982;

Whereas the Applicant filed written observations on 31 May 1982;

Whereas the facts in the case are as follows:

The Applicant entered the service of the Economic Commission for Latin America (hereinafter called ECLA or CEPAL) on 16 March 1950 on a three-month appointment as a bilingual steno-typist. After a three-month extension, her appointment was converted into a temporary indefinite appointment and subsequently into a regular appointment under Staff Rule 104.13 (b). On 31 March 1962, the Applicant, who, in the meantime,

