

XVI. As to the objection of the Applicant that the provision of paragraph 11 of Administrative Instruction ST/AI/181/Rev.6 is discriminatory, the Tribunal does not concur with that opinion and recalls again, as it did in a previous case (Judgement No. 268: *Mendez*), a dictum of the ILO Administrative Tribunal according to which "The principle of equality means that those in like case should be treated alike, and that those who are not in like case should not be treated alike."

XVII. Finally the Tribunal notes that until recently expatriate staff members of the United Nations were not entitled to reimbursement of the expenses incurred for the post-secondary studies of their children if they chose for them a university located in the country of their duty station. This situation was changed from 1 January 1979 by the adoption of General Assembly resolution 33/119. This change now allows travel expenses to be paid when the parent chooses for his child a university in the country of the duty station but beyond commuting distance—subject to the same condition which existed long before 1979, namely that the Secretary-General is satisfied that no school within the commuting distance would be suitable for the child.

Compared with the pre-1979 situation the change is beneficial to the staff members. The complaint that on this occasion all restrictions concerning the payment of travel expenses were not lifted cannot be sustained by the Tribunal.

XVIII. The Tribunal observes that by deciding the present case it does not wish to pass judgement upon the present system of reimbursement of education grant travel expenses. The Tribunal notes that the Respondent has the intention to suggest changes in the present system. The Tribunal, however, is bound to apply the law in force.

XIX. For the foregoing reasons, the application is rejected.

(Signatures)

Endre USTOR
President

Samar SEN
Vice-President

New York, 26 October 1984

Roger PINTO
Member

Jean HARDY
Executive Secretary

Judgement No. 338

(Original: English)

Case No. 325:
Nuhbegovich

Against: The Secretary-General
of the United Nations

Request by a former staff member of UNICEF to find that the decision not to extend her appointment was irregular as it was the culmination of the infringement of several of her rights as a staff member.

Conclusion of the Joint Appeals Board that the contested decision was taken properly in full respect of the Applicant's contractual and procedural rights and in accordance with Staff Regulations and Rules, that the Applicant's claim of prejudice was unfounded and that she had no legal expectancy of renewal.—Recommendation to reject the Applicant's claims.

The Tribunal notes that the Respondent found that the Applicant was an unsatisfactory staff member because of difficulties in her personal relations.—The Tribunal holds that assessment of personal relationships is an important element in determining a staff member's prospects.—The Tribunal finds no evidence that the Respondent, in coming to his conclusion, failed to apply due process or was influenced by prejudice.—Applicant's plea that she had a legitimate expectancy of continuation in service.—Consideration of the circumstances of the case.—Plea rejected.—Applicant's complaint that she was not promoted.—The Tribunal agrees with the Respondent that the question of promotion could be relevant only when the Applicant's deficiency of conduct has been assessed.—Applicant's plea relating to deficiencies of the rebuttal procedure in UNICEF and to irregularities in the establishment of her performance reports.—The Tribunal holds that the UNICEF rebuttal procedure must apply until it has been modified.—The Tribunal finds that some minor irregularities in the performance evaluation reports did not cause the Applicant any injury.—Applicant's complaint of unfair treatment.—Complaint rejected.

Application rejected.

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Samar Sen, Vice-President, presiding; Mr. T. Mutuale;
Mr. Roger Pinto;

Whereas at the request of Meri Nuhbegovich, a former staff member of the United Nations Children's Fund, hereinafter referred to as UNICEF, the President of the Tribunal, with the agreement of the Respondent, extended to 1 February 1984 the time-limit for the filing of an application to the Tribunal;

Whereas on 7 February 1984, the Applicant filed an application which she subsequently amended on 2 March 1984;

Whereas in her amended application, the Applicant requested the Tribunal: "to rule that the recommendation made by UNICEF 'not to extend [her] appointment' was irregular as it is the culmination of the infringement of several of her rights as a staff member, namely denial of a permanent appointment in late 1980, denial of a promotion from G-3 to G-4 in February 1981 and irregular handling of her performance evaluation reports for the periods 27 November 1980 to 3 April 1981 and 6 April 1981 to December 1981.";

Whereas the Respondent filed his answer on 10 May 1984;

Whereas the facts in the case are as follows:

The Applicant entered the service of UNICEF on 27 November 1978, and was assigned to the Pool Services in the Personnel Services Section of the Division of Personnel and Administration as a Clerk-Typist in the General Service category at the level of G-2, step III. She was initially offered a three-month fixed-term appointment that was subsequently extended for three months, one year, six months and four days, one year and then two months until 31 January 1982 "pending the results of [her] contractual status review by the Appointment and Promotion Committee". On 27 January 1982 the Applicant's fixed-term appointment was extended for a further one month until 28 February 1982 and then for five days until 5 March 1982. On 28 January 1982 the Applicant was placed on special leave with full pay until 5 March 1982, the date of her separation from service.

During the course of her employment she was promoted to the G-3 level on 27 May 1979. Effective 29 September 1979, she was assigned to perform secretarial functions for the Chief, Recruitment and Placement Section in the

Division of Personnel and Administration. The Applicant's services during 27 November 1978 to 26 November 1979 were evaluated in a performance evaluation report dated 7 May 1980. Her overall performance was rated as a "good performance"; and her ability to work independently or with minimal supervision as well as her work relationships, which were qualified as the Applicant's "major difficulty", were rated as "adequate". The Applicant's performance was appraised by the General Service Group of the UNICEF, New York Appointment and Promotion Committee at a Special Annual Review meeting held on 15 and 21 October 1980. According to the minutes of the meeting, the Committee observed in connection with the Applicant that:

"... the [Applicant's] performance had been good, from the point of view that she had handled a large volume of work with speed and dedication. However, the [Applicant's] interpersonal relationships within the Section required improvement. The supervisor indicated that the situation had been discussed with the [Applicant] but had not improved since January, 1980 and that this had negatively affected her performance.

"It was the view of the Committee that the [Applicant] should consider changing posts in order to remedy the situation and that this case should be re-addressed by the Committee when it [met] to discuss the expiration of the [Applicant's] present fixed-term contract."

On 15 December 1980 the Chief, Recruitment and Placement Section recommended that the Applicant be promoted to the G-4 level and on 12 January 1981 that her appointment be converted to a probationary appointment. In a performance evaluation report dated 13 January 1981, covering the Applicant's period of service from 27 November 1979 to 27 November 1980, the Applicant's performance was described as "very good" and her work relationships as "greatly improved over the last year". However, in the course of two meetings of the UNICEF New York Appointment and Promotion Committee held during January 1981, the Committee reviewed both recommendations submitted by the Applicant's supervisor and did not endorse them. Instead, the Committee recommended that the Applicant's fixed-term appointment be extended for an additional year and that the Applicant "receive counselling in interpersonal relations and communications with the public". In addition, the Committee suggested that if the Applicant's behaviour had not improved at the expiration of her new appointment, "serious consideration should be given to removing her from her present post".

On 6 April 1981, as a result of a confrontation between the Applicant and another staff member, the Applicant was transferred from the Recruitment and Placement Section to the Pool Services in the Personnel Services Section of the Division of Personnel and Administration and assigned to provide secretarial assistance to the Appointment and Promotion Committee Secretariat. On 8 June 1981 she was assigned to the Project Support Communications Section of the Information Division.

On 22 July 1981 the Chief, Recruitment and Placement Section, recorded in a note for the file the confrontation that had required the Applicant's transfer from her section. The note read as follows:

"Shortly after I returned from Bangkok in March, I learned that my secretary, [the Applicant,] had had two confrontations with Ms. Kamal of the Information Division, concerning the candidature of Ms. Christina

Koerner. The seriousness of [the Applicant's] actions were confirmed by Ms. Consing who was present during one of the confrontations.

"[The Applicant] was very upset that Ms. Koerner was not offered a post and felt that she had been treated unfairly. As a result, she acted unwisely and in a manner which caused embarrassment to me and to the Section.

"I do not believe that [the Applicant] did this with any intent to hurt me or the Section, but her anger and her frustration overcame her. However, I felt that her indiscretion was of sufficient seriousness (after long interviews with Ms. Kamal, Ms. Consing and [the Applicant]) and that I had no choice but to recommend she be transferred out of the section. I discussed the matter fully with Mr. Singh [Chief, Personnel Services], and he agreed to her transfer immediately.

"[The Applicant] is a very intelligent young woman. She was always very loyal to me. However, her judgment, and her temper and her immaturity eventually made it impossible for me to continue to support her in the position as my secretary. This is a very sensitive post which requires great tact, sensitivity and maturity as well as intelligence."

This note was subsequently transmitted to a Personnel Officer, at his request, on 11 December 1981. The Applicant placed her own account of the matter in a written statement dated 18 December 1981. In this statement she admitted that the confrontation had taken place, that she had apologized to the other staff member concerned and that she thought "the matter was closed".

In the meantime, on 28 September 1981, the Personnel Officer had requested the Assistant Personnel Officer in charge of the Pool Services of the Personnel Services Section to submit a recommendation concerning the Applicant's "future contractual status". He indicated that since by the end of November 1981 the Applicant would have served "thirty-six months and four days" on fixed-term appointments, in accordance with UNICEF policy she had already become eligible to be considered for a career appointment (probationary followed by permanent) after twenty-four months of satisfactory service.

The Applicant's third performance evaluation report covering her period of service from 27 November 1980 to 3 April 1981 was prepared by the Chief, Recruitment and Placement Section on 18 December 1981. The Applicant's overall performance was rated as a "good performance" as well as "a performance that does not meet standards". The note for the record of 22 July 1981 was mentioned under comments to qualify "work relationships", "ability to work independently or with minimal supervision" and "initiative" and under the section on "points which have not been adequately covered and which would add significantly to evaluation of the staff member". The Director of the Division of Personnel and Administration stated in section V of the report that he was "concerned that there still exists difficulties with the [Applicant's] work relationships, when in the past she was made aware that it was not satisfactory".

The Applicant's fourth performance evaluation report, covering her period of service from 6 April 1981 to 31 December 1981, was prepared by the Applicant's immediate supervisor at the Project Support Communications Section on 18 January 1982. The Applicant's overall performance was rated as falling between "an adequate performance" and "a performance that does not fully meet the standards". She also received six "adequate" ratings. The comments on the ratings regarding "initiative" stated that the Applicant had "not demonstrated enough initiative"; and regarding "work relationships" that

there was "need for improvement and to work better in a team". The second reporting officer cabled his comments from an assignment overseas and they were quoted in the report as follows:

"based on my knowledge of work situation and relationship I concur with the first reporting officer's assessment. [The Applicant] could have put more diligence and commitment in the tasks indicated on PER [performance evaluation report]".

On 18 January 1982, the Applicant's immediate supervisor at the Project Support Communications Section requested the Director of the Information Division to transfer the Applicant from the section "back to the Typing Pool effective immediately . . . due to the critical situation" the Applicant had created in the section. On 27 January 1982 the Personnel Officer notified the Applicant of this request and gave her the fourth performance evaluation report. In this connection, he informed her that the period to submit a rebuttal to the report had been "exceptionally reduced" in her case in order to reach a decision on her contractual status and because she had been placed on special leave with full pay, as of 28 January 1982.

On 8 February 1982 the Applicant filed rebuttals to the third and fourth performance evaluation reports in accordance with the procedures set forth in UNICEF Administrative Instruction No. 295 of 24 May 1978. The reports were considered at two meetings held on 18 February 1982 and 19 February 1982. The Applicant's supervisors and the Personnel Officer recorded their views on the points raised by the Applicant during the rebuttal procedure in memoranda that from then on constituted an integral part of the reports.

On 23 February 1982 the Personnel Officer addressed a memorandum to the Presiding Officer of the UNICEF New York Appointment and Promotion Committee on the subject of the Applicant's contractual status, which read in part as follows:

" . . .

"(4) On 6 April 1981, following [the Applicant's] confrontation with Ms. Mehr Kamal of Information Division, she was transferred to the Pool Unit of DPA/PSS [Division of Personnel Administration/Personnel Services Section]. Mr. Singh assigned her to provide secretarial assistance to the APC [Appointment and Promotion Committee] Secretariat as well as to the Special Services Unit. Because of her inter-personal problems with her colleagues, she was removed from PSS in June, 1981 and reassigned to PSC [Programme Support Communications] Section of Information Division. Again on 18 January 1982 her immediate supervisor in PSC, Mr. J. Manduley, wrote to Mr. J. Ling [Director, Information Division], requesting her transfer outside of the Section.

"(5) As it became difficult to keep on reassigning, temporarily, [the Applicant] from one section to the other and pending the review of her contractual status, it was decided to place her on special leave with full pay for the month of February 1982.

"(6) In view of the history of this case in the office in New York, particularly with regard to the working relationships of [the Applicant], it is not possible for the Division of Personnel and Administration to recommend any further extension on [the Applicant's] appointment. Normally, non-renewal is not brought to the Appointment and Promotion Committee and is a decision for Management; however, in view of the protracted

discussions with the staff member regarding her capacity and performance, we have exceptionally decided to seek your committee's endorsement of the action proposed i.e. to separate her from service of the organization."

The UNICEF New York Appointment and Promotion Committee held a special meeting on 25 February 1982 to review the Personnel Officer's recommendation not to renew the Applicant's fixed-term appointment. The minutes of the meeting read in part as follows:

"... Following a review of the documentation, the Committee unanimously agreed that the quality of work of the staff member was adequate to good. However, in the general appraisal of performance, a staff member's work relationships are very important, and in this particular case, such relationships presented a *very* serious problem . . . This negative aspect of the staff member's performance had also been pointed out by each of her supervisors, regardless of the length of time she had worked with them. . . .

"After some further discussion of this case, the Committee concluded that, in view of the repeated problems of work relationships encountered by [the Applicant], her appointment should not be renewed."

On 4 March 1982 the Presiding Officer of the UNICEF Appointment and Promotion Committee informed the Personnel Officer that the Committee's views on the Applicant's contractual status had not changed in the light of the outcome of the rebuttal procedures. Accordingly, in a memorandum dated 5 March 1982, the Personnel Officer informed the Applicant that

"As a result of the recent review of your contractual status by the New York General Service Appointment and Promotion Committee, it has been decided not to renew your present Fixed-Term appointment beyond its expiration date. Your previous Fixed-Term appointment which expired on COB [close of business] 28 February has been extended up to COB 5 March 1982.

"It is not required by the Staff Regulations and Rules to give formal notice for not extending a Fixed-Term. However, we are exceptionally granting you one month's salary and allowances in lieu of a notice period, which will be effective from COB 5 March 1982. . . ."

On 15 March 1982, the Applicant requested the Secretary-General to review, under Staff Rule 111.3 (a), the UNICEF administrative decision conveyed by the Personnel Officer on 5 March 1982. On 27 May 1982 the Assistant Secretary-General for the Office of Personnel Services, in reply to the Applicant's letter of 15 March 1982, informed the Applicant in writing that "the Secretary-General [could] see no reason for granting [her] request [for review]".

On 24 August 1982 the Applicant lodged an appeal with the Joint Appeals Board. The Board adopted its report on 5 July 1983.

The conclusions and recommendation of the Board read as follows:

"Conclusions and Recommendation

"73. The Board finds first that the administrative decision not to convert the appellant's fixed-term appointment to a career appointment (probationary appointment) after 24 months of service on the recommendation of the APC [Appointment and Promotion Committee] was taken properly in full respect of the appellant's implied contractual and procedural rights and in accordance with the Staff Regulations and Staff Rules. The

Board finds also that the appellant has not met the burden of proof that the above administrative decision was motivated by prejudice. The Board finds further that the appellant had no legal expectancy of conversion to any other type of appointment and rejects therefore the appellant's claim of entitlement to a career appointment as unfounded and not valid.

"74. The Board finds that the administrative decision of non-renewal of the appellant's fixed-term appointment beyond its expiration date of 5 March 1982 on the recommendation of the APC was taken properly in full respect of the appellant's implied contractual and procedural rights and in accordance with the Staff Regulations and Staff Rules. The Board finds also that the appellant has not met the burden of proof that the above administrative decision or the issued performance evaluation reports were motivated by prejudice or based on 'extraneous considerations' and rejects therefore the appellant's claim of prejudice as unfounded and not valid.

"75. The Board finds further that UNICEF has corrected adequately certain formal deficiencies and clarified sufficiently a number of apparent inaccuracies in the completion of the appellant's performance evaluation reports during the rebuttal procedure. The Board finds that the amended performance reports with the attached supplementary comments of the respective reporting officers are in compliance with the guidelines and procedures according to the provisions of Administrative Instruction ST/AI/240 and UNICEF Administrative Instruction 295. The Board finds also that the differentiation in the appellant's overall performance rating was not in accordance with the prescribed form P.91, section IV, however with due regard to the appellant's inconsistent performance and in the interest of the appellant and therefore justified in the above exceptional circumstances according to the principles of good faith and of good administration.

"76. The Board finds also that UNICEF has fully complied with the UNICEF rebuttal procedure according to UNICEF Administrative Instruction 295 and has hereby observed the appellant's procedural rights. The Board was, moreover, of the opinion that it is beyond its competence to make a ruling on the appropriateness of the UNICEF rebuttal procedure in force.

"77. The Board finds finally that the appellant had no legal expectancy of renewal of contract and that UNICEF had made no commitment, express or implied, to extend the appellant's contract. The Board rejects therefore the appellant's claim for reinstatement and continuation of her service in the Organization as unfounded and not valid.

"78. Accordingly, the Board makes no recommendation in favour of the appeal and rejects the appellant's claims in all respects."

On 7 February 1984 the Applicant filed the application referred to earlier.

Whereas the Applicant's principal contentions are:

1. Several of the Applicant's rights were violated during her period of employment with UNICEF, resulting in her separation from service in an irregular manner.

2. Although the Applicant had fulfilled all the conditions under the terms of UNICEF current administrative law to be granted a probationary appointment, the Appointment and Promotion Committee did not recommend the

conversion of the Applicant's appointment to a probationary appointment, based on psychological assessments and not on the assessments reflected in the performance evaluation report. This procedure constituted an improper exercise of its competence.

3. The Applicant was denied a promotion from G-3 to G-4 for obscure administrative reasons.

4. The performance evaluation reports covering the periods of service 27 November 1980 to 3 April 1981 and 6 April 1981 to December 1981 were not prepared in accordance with standard procedures and practice. The rebuttal procedure in UNICEF seems to leave the final decision to the reporting officers, ruling out the possibility of impartial review.

5. The Applicant met all the conditions to have a legitimate claim of expectancy of continuation in UNICEF employment.

Whereas the Respondent's principal contentions are:

1. A fixed-term appointment does not carry any expectancy of renewal or conversion into any other type of appointment.

2. No staff member has a right to promotion.

3. UNICEF's performance evaluation report procedures were adequately observed.

The Tribunal, having deliberated from 12 to 30 October 1984, now pronounces the following judgement:

I. The allegations of unfair treatment put forward by the Applicant cannot all be anchored to deficient rules or what she claims to be irregular procedure; the essential element in the history of the case is that the Respondent found her an unsatisfactory staff member inasmuch as she was difficult in personal relations with those she came in contact with in the course of her official work and, consequently, she could not be useful in an organization where equable personal relationship mattered much.

II. This aspect of her performance cannot be dismissed as a subjective and psychiatric assessment by the Administration and must constitute, as has been held in numerous instances by the Tribunal, as vital in any staff member's suitability for continuous employment. The fact that the performance evaluation report has an entry reading "Work relationships (effectiveness in working harmoniously with other staff members or persons outside the Organization in official contacts)" establishes conclusively that assessment in this field of personal relationships is an important element in determining a staff member's prospects, promotion and advancement.

III. The only question is whether the Respondent, in coming to his conclusion about the Applicant's total fitness, failed to apply due process or was influenced by any prejudice. There is nothing in the files to show that the Applicant accused the Respondent of any well-founded prejudice; the most she did was to assert that "the APC (UNICEF New York Appointment and Promotion Committee) should not arrogate itself (sic 'to itself') with the competence of 'psychological assessment centres'". The Tribunal also notes that there has been no definite plea of prejudice against the determination made by the Respondent, although there are numerous suggestions that the Administrative Instructions, especially those relating to rebuttal procedure, were defective and were not properly employed.

IV. On the other hand, the Joint Appeals Board, which examined this question with extreme care and consideration, held that there had been no

impairment of the Applicant's basic rights or that the rules had not been ignored or deviated from, to a point when a legitimate doubt might arise that the Applicant's rebuttals and objections were not properly dealt with. The Tribunal finds little difficulty in agreeing in substance with the conclusions of the Joint Appeals Board. The Tribunal would wish to examine the four pleas advanced by the Applicant.

V. The first plea is based on the argument that since the Applicant's work was found—apart from difficulties of personal relationship—satisfactory, she had a legitimate claim of expectancy of continuation of her appointment. In order to substantiate this plea the Applicant would normally have been required to show that although she was a holder of a succession of fixed-term contracts—which expire on pre-determined dates and without assigning any reasons—all the circumstances surrounding the entire period of her employment were such that no reasonable hope and expectation for the prolongation of service could be deduced from the conduct and the attitude of the Respondent. In this case, except for the recommendations in 1980-1, of the Chief, Recruitment and Placement Section, there was nothing to indicate even remotely that any hope of continuous or semi-permanent employment was ever held out to her. Moreover, even the Chief, Recruitment and Placement Section in all her performance evaluation reports was equivocal in her assessment and at one stage wrote a damaging note for the file on the Applicant's conduct, and finally asked for her transfer from the section. At any rate, the intermediate recommendations of the Chief, Recruitment and Placement Section were not accepted by the UNICEF New York Appointment and Promotion Committee; instead, the Applicant's appointment was renewed for an extra year, thus providing her a chance to improve her personal relations both inside and outside the office in relation to her work. Apparently no such improvements took place. Furthermore, although the Applicant was not given a formal warning, she was alerted more than once that unless her conduct improved she could not continue in service, and there were several occasions when she and her supervisors discussed her deficiency in one form or another. In the circumstances the Tribunal holds that the Applicant could not have any reasonable expectancy of continuation of service.

VI. The related plea that she was not promoted to the level of G-4 must be examined in the light that a staff member having been found unsuitable for a further extension of her appointment could not obviously be promoted at the same time. If her work were to be judged only by the technical yardstick to be applied to her typing and other related items of work, she could, at the discretion of the Respondent, be given a higher grading but since her conduct and interpersonal relations left "much to be desired", the Respondent decided correctly, in the opinion of the Tribunal, that the question of promotion could be relevant only when her deficiency of conduct had been assessed.

VII. The third plea relating to the procedure followed can be divided in two parts: the first concerns the Applicant's allegation that the performance evaluation reports were not drawn up or processed entirely correctly, and secondly, the rebuttal procedure followed in UNICEF was deficient, as the final determination was left not in the hands of independent person(s) but judged by persons some of whom had already given opinions on the staff member's performance. The procedure prescribed by UNICEF is different from that followed in the United Nations Secretariat and the reason for the difference has been explained in the UNICEF Administrative Instruction No. 295 of 24 May 1978. Whether the current procedure needs modification is a decision UNICEF itself must take; insofar as the Tribunal is concerned, the prescribed procedure

has been accepted by UNICEF as a whole and must continue to apply, until it is changed, to any specific case, in this instance to the Applicant. Nor can it be argued that any injury has been done to the Applicant because of lack of independent judgement of the rebuttal made by the Applicant, for there is plethora of evidence that at the end of 1981 and in February 1982 several committees carefully examined all the reports and comments, and came to the conclusion that the Applicant's fixed-term contract should lapse. As regards the deficiencies complained of in the performance evaluation reports themselves, the Tribunal finds that most of them are of technical nature and could have been removed with some co-operation and accommodation from the Applicant. However, the Applicant was apparently determined to contest every detail and was so sure that she was right that some of the technical points were either not corrected on time (e.g. whether the Applicant's mother tongue was English) or remained uncorrected all throughout. Nevertheless, these defects and deficiencies did not impair the two main conclusions emerging from these reports, i.e. the Applicant's performance of secretarial duties was adequate to good, but that her personal relationships both inside and outside the office in relation to her work were not satisfactory enough for her to continue as a staff member. The Tribunal considers therefore that despite some minor irregularities that have undoubtedly occurred in the performance evaluation reports, the Applicant has suffered no injuries as a consequence and that her plea in this respect cannot be sustained.

VIII. The fourth plea is not an independent and separate issue and is founded on the allegation that all the complaints discussed above resulted in unfair treatment of the Applicant. Apart from the conclusion already reached on each of the pleas, the fact remains that in numerous ways and on several occasions, the Respondent went out of his way to give chance after chance to the Applicant to improve her personal relationships: she was within a period of three years of service transferred from one job to another 3 or 4 times, she was given short extensions between November 1981 and March 1982 only to allow assessment of her performance to be assiduously and correctly made, and although she was on a fixed-term contract she was given "exceptionally" special leave, termination pay, etc. only to ensure that accurate and painstaking assessment was made before her contract expired in March 1982. The Applicant's case was reviewed by the Executive Director of UNICEF, and then by the Joint Appeals Board; none found that the Applicant had been unfairly treated. The Tribunal finds no reason to disagree with this conclusion.

IX. All the pleas having failed, the Tribunal rejects the application.

(Signatures)

Samar SEN
Vice-President, presiding

T. MUTUALE
Member

New York, 30 October 1984

Roger PINTO
Member

R. Maria VICIEN-MILBURN
Acting Executive Secretary