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**UNITED NATIONS APPEALS TRIBUNAL**  
**TRIBUNAL D'APPEL DES**



**JUDGE INÉS WEINBERG DE ROCA, Presiding.**

**Synopsis**

1. The United Nations Dispute Tribunal (UNDT or Dispute Tribunal) correctly ascertained that the failure by the Appointments, Posting and Promotions Committee (APPC), Office of the United Nations High Commissioner for Refugees (UNHCR), to share with Brian Larkin (Larkin) an inter-office memorandum prepared by his supervisor regarding the non-extension of his appointment did not affect in any way his legal situation.
2. This Court has repeatedly held that it is not sufficient for an appellant to state that he or she disagrees with the findings of fact or to repeat the arguments submitted before the UNDT. An appellant must identify the apparent error of fact in the judgment and the

6. The UNDT ruled that the Administration had offered Larkin a reasonable chance to finalize the separation formalities during his last two months of service, as well as after his separation and that, having been in charge of this process in his office, he was fully aware of the procedures to follow in case of separation.

7. Larkin has not shown that the UNDT erred in its Judgments.

#### **Facts and Procedure**

8. Larkin joined the UNHCR Branch Office in London as a Finance Assistant at the G-6 level on a fixed-term appointment in September 2006. Larkin's appointment was extended twice. In April 2007, the APPC granted Larkin a six-month probationary appointment as Administrative and Financial Assistant. This appointment was extended once until 30 November 2007, after which date Larkin was separated from service.

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i) Non-extension of Larkin's appointment

9. On 29 June 2007, the Office of Internal Oversight Services (OIOS) issued an audit

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abolition on 30 June 2009, and was subsequently transferred to the Dispute Tribunal. On 31 August 2009, the Secretary-General filed his reply.

16. On 22 June 2010, the Dispute Tribunal issued Judgment No. UNDT/2010/108, holding that the non-transmittal of the inter-office memorandum did not constitute an administrative decision and Larkin's claim on this matter was not receivable. The Dispute Tribunal further held that the decision not to extend Larkin's fixed-term appointment did not follow the established procedures and was not in conformity with Larkin's terms of appointment. However, the Dispute Tribunal did not find that Larkin had discharged his burden of showing that the non-renewal decision was based on improper motives or other extraneous factors. The Dispute Tribunal rescinded the non-extension decision, but held that the Secretary-General could opt, as an alternative to the rescission, to pay compensation of four months' net base salary at the rate in effect at the time the decision was made.

17. On 6 September 2010, L v5(Se)4(ptem)6(eld)7( tha98rCID 4 d[(D 3333333344

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