



decision. Also, the UNDT's statement that even assuming that the non-renewal was a direct consequence of Mr. Hepworth's refusal to transfer, this refusal would have been a valid reason for the Secretary-General not to renew Mr. Hepworth's appointment. Mr. Hepworth argues that if the refusal to transfer was indeed the reason for the subsequent non-renewal of the position with CMS in Bonn, this was indisputably a veiled and improper disciplinary measure. The UNDT's failure to appreciate the same amounts to an error of law.

18. Mr. Hepworth submits that the UNDT erred in fact in finding that he had failed to prove that the impugned decision was influenced by political pressure from the German

compensation for moral injuries. In the alternative, Mr. Hepworth requests that the case be remanded to the UNDT in either Nairobi or New York with an instruction to evaluate his request to call live evidence.

23. In his additional submission, Mr. Hepworth submits an excerpt of the Judgment rendered by this Tribunal in *Azzouni*.²

Secretary-General's Answer

24. The Secretary-General submits that the UNDT correctly concluded that a fixed-term appointment carries no expectancy of renewal.

25. The Secretary-General submits that Mr. Hepworth has failed to establish that the

Judge erred on a question of fact resulting in a manifestly unreasonable decision lies with the appellant.³

30. In the instant case, however, Mr. Hepworth

Judgment

34. The appeal is allowed and the case is remanded to the UNDT.

Original and authoritative version: English

Dated this 21st day of October 2011 in New York, United States.

(Signed)

Judge Weinberg de Roca,
Presiding

(Signed)

Judge Garewal

(Signed)

Judge Painter

Entered in the Register on this 2nd day of December 2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar