



o. 2020-UNAT-

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1. The Secretary-General Appeals Judgment No. UNAT/2020/020 dated 27 February 2020 issued by the United Nations Dispute Tribunal (UNDT) or Dispute Tribunal (DT) found Mr. Handy's application contesting the negative comments included in his 2016-2017 electronic performance appraisal system report (A#: 5y5ot&&'s first reporting officers (S: and S's second reporting officer (S: to be relevant). The reasons set out below affirm the UNDT Judgment.

2. At the material time in 2017, Mr. Handy was a , ol't'al Affairs " ff'er at t&e , -4 le)el O't& t&e Un'ted Nat'ons Mult'd'mens'onal =ntegrated #ta5'l'>at'on M'ss'on 'n t&e

Mr. Sagu'd' 'nd'ates: For'g'nal 'n -ren%&C off%'al Dngl's& translat'on& *ur'ng t&e re)'eO 1er'od! Mr. #'mon Handy d's1ayed %ons'dera5le analyt'ual a5'l'ty! +noOledge of t&e en)'ronment of t&e Central Afr'ean (e1u5l'! and)ar'ous ot&er %om1eten'ies. He a%%om1l's&ed t&e a5o)e-ment'oned tas+s 'n an eff'ent manner. HoOe)er! O't& &'s many s+'lls! Mr. #'mon Handy %ould &a)e 5een &'g&ly 'nstrumental 'n &el'ng t&e , ol't'ual Affa'rs *')'s'on a%&'e)e aston's&ng results and flour's&! 'f &e &ad 5een effe%'ely 1resent 'n our team. As &'s su1er)'sor! = d'd not &a)e a full gras1 of Mr. Handy;s s%&edule. He essent'ally d'd not 1art%'1ate 'n our team meet'ngs! and =

4. The overall comments made by Mr. Handy's # (" Oere)en more %r't'%. He stated:

= ta+e note of t&e %omments and rat'ngs g')en 5y t&e tOo %olleagues O&o ser)ed su%ess')ely as - (" s)er t&'s re1ort'ng 1er'od and %ons'der t&em as not ade?uate to des%r'5e t&e 1rofess'onal 1erforman%e and t&e 5e&a)'our d's1layed 5y Mr. #'mon Handy. D)en 5efore &e resumed &'s dut'es O't& t&e *')'s'on! O&'le on s'+ lea)e! Mr. Handy sent at least one aggress')e message to %olleagues. H's fre?uent 'nfr'ngement of rules! &'s d'ff'ulty 'n Oor+'ng O't& ot&ers! 'n s&ar'ng off'ie s1a%e! 'n s&ar'ng)e&'les 'n t&e %ar-1ool! &'s d'sres1e%t for s'm1le rules su%& as 5e'ng 1resent on t'me for Oor+! o5ser)an%e of %urfeO &ours! attend %om1ulsory meet'ngs 'n%lud'ng meet'ngs &e 's su11osed to %&a'r! 'n my)'eO do not %orres1ond to a sat'sfa%tory %om1let'on of Oor+. Moreo)er &'s aggress')e remar+s o1enly d're%ted aga'nst 1eol1e &e %ons'ders as fore'gners Oould &a)e Just'f'ed unsat'sfa%tory rat'ngs 'n 1rofess'onal'sm! 'ntegr'ty and res1e%t for d')ers'ty. *ur'ng t&'s re1ort'ng 1er'od alone Mr. Handy &as %aused at least t&ree 'n%'dents one of t&em 5e'ng 'nsult'ng me! &'s # ("! *'re%tor of t&e *')'s'on. Anote&r Fs'G &as 5een for 5rea%& of %urfeO regulat'ons! and yet anot&er for unaut&or'>ed statements to t&e 1ress and for m'sre1resent'ng &'s 1os't'on 'n t&e organ'>at'on. H's tOo f'rst re1ort'ng off'iers dur'ng t&'s 1as re1ort'ng 1er'od Oere 5ot& aOare of t&e fa%ts = des%r'5e a5o)e! 't 's t&erefore my)'eO t&at Mr. Handy s&ould &a)e 5een rated as Kunsat'sfa%toryK 'n t&e %ore %om1eten%es of 1rofess'onal'sm! 'ntegr'ty and res1e%t for d')ers'ty. T&e 1erforman%e of t&'s staff mem5er O'll &a)e to 5e %losely mon'tored o)er t&e neEt re1ort'ng 1er'od O't& 1art'ular attent'on to t&e t&ree %om1eten%es ment'oned &ere a5o)e and to &'s o5ser)an%e of all rules and regulat'ons 'n%lud'ng t'me of arr'ial and 1resen%e 'n t&e off'ie. =n t&e neEt re1ort'ng 1er'od Mr. Handy O'll 5e su11orted to su5stant'ally 'm1ro)e &'s 1erforman%e and to d's1lay sat'sfa%tory le)els of 1rofess'onal'sm! of 'ntegr'ty and of res1e%t for d')ers'ty! start'ng O't& m'n'mal res1e%t for &'s %olleagues 'n e)ery area of Oor+! %ommun'at'on and Oor+'ng 'n a team! 'n%lud'ng &'s f'rst and se%ond re1ort'ng off'iers.

10. " n 14 #e1tem5er 2017! Mr. Handy f'led a re?uest for management e)aluat'on of t&e de%'s'on to aOard &'m an o)erall rat'ng of Asu%essfully meets 1erforman%e eE1e%tat'onsB for

17. The Secretary-General contends that the UNAT erred in fact in finding that the negative comments in Mr. Handy's 2014-2017 e, A# and direct legal consequences for his terms of employment as such and an e, A# derived from his right to contest the negative comments) a the re-utteral process and his right to a fair performance appraisal and caused him adverse career consequences. Contrary to the UNAT's analysis, staff members do not have an absolute right to re-utter their e, A#es in all circumstances. Under section 10.1 of #T8A=820108, Mr. Handy did not have a right to re-utter his 2014-2017 e, A# because he had received a ABB overall rating. (e)'ng comments about the need to improve Oas part and parcel of Mr. Handy's terms of appointment and the regulatory framework governing

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22. It is true that a good final rating of O&A is a favourable decision that does not constitute an administrative decision solely by itself to take a direct and negative impact on a staff member's rights and accordingly there is no legal basis pursuant to Article 291.9a of its statute for a staff member to file an appeal with the United Nations Tribunal.⁴

24. Nevertheless, as already noted, the determination on O&A is a separate decision of

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@0. Accordingly, the appeal fails.

@1. The appeal is dismissed and Judgment No. UN* T820208020 is affirmed.