



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

Case No. 2010-049

**Vangelova
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

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THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2010-UNAT-046

noted that Vangelova's experience and achievements had been properly reflected on her fact-sheet. The APPB decided not to recommend Vangelova for promotion.

4. On 4 June 2008, the former Joint Appeals Board (JAB) in Geneva received an appeal from Vangelova, in which she challenged not only her non-promotion during the 2007 Promotion Session, but also her non-promotion in the years prior to 2007. Vangelova's appeal before the JAB was transferred to the UNDT in Geneva following the abolition of the JAB at the end of June 2009.

5. On 24 September 2009, the Dispute Tribunal held a hearing during which Vangelova reiterated the points of contention she had made to the APPB. On 16 October 2009, the UNDT issued Judgment No. UNDT/2009/049. The UNDT ruled that only the appeal against the denial of promotion during the 2007 Promotion Session was receivable. The UNDT noted that Vangelova had attached to her application her request to the Secretary-General for administrative review, but did not refer to the arguments made in the request. Consequently, only the arguments made by Vangelova before the JAB and UNDT were considered. The UNDT rejected Vangelova's application. The UNDT found that Vangelova had failed to specify in what respects the non-promotion decision violated Staff Rules 4.2 and 4.3, and that she had failed to establish any irregularity during the 2007 Promotion Session. The UNDT further found that the APPB had considered Vangelova's entire career during its review of her recourse.

6. Vangelova received the English translation of the Judgment on 23 December 2009. At the request of Vangelova, the President of the Appeals Tribunal granted an extension of the time limit in which to file her appeal to 12 February 2010. On 11 February 2010, Vangelova filed an appeal via e-mail. She was asked by the Registry of the Appeals Tribunal to take corrective action to cure the defects in her submission. Vangelova filed a corrected appeal on 19 February 2010. The Secretary-General filed an answer on 15 April 2010.

Submissions

Vangelova's Appeal

7. Vangelova states that she did not receive any legal support from the Office of Staff Legal Assistance (OSLA) and prepared her case by herself. She does not have the legal

13. The Secretary-General submits that Vangelova was aware that her last supervisor did not recommend her for promotion, but she did not formally contest her supervisor's non-recommendation. The UNDT thus correctly found that, in the absence of any challenge, her supervisor's decision became final. The UNDT correctly stated the reasons, facts, and law on which the Judgment is based.

14. Vangelova's plea for the Appeals Tribunal to act *ex officio* and to promote her is legally meaningless and should be rejected.

Considerations

15. As a preliminary matter, the Appeals Tribunal rejects Vangelova's request for an oral hearing. Vangelova's brief on appeal is sufficient and does not require further

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Judgment

24. In light of the foregoing, the Appeals Tribunal dismisses the appeal and affirms the UNDT Judgment.

Dated this 1st day of July 2010 in New York, United States.

Original: English

(Signed)

Judge Adinyira, Presiding

(Signed)

Judge Weinberg de Roca

(Signed)

Judge Courtial

Entered in the Register on this 16th day of August 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar
United Nations Appeals Tribunal