





5. On 21 August 2015, for the purpose of procuring a loan from the United Nations Staff Emergency Fund, the Applicant requested a written statement from the Executive Office in DSS confirming that his contract would be renewed beyond 31 December 2015. He stated:

[I h]ave applied for an emergency loan which is due to be signed but they want a confirmation to affirm my status of renewal of my contract and if [I] am on a regular budget post. Kindly if you can givegive n ou mt a]sel 02(so1 00)ecfrom



**Procedural history**

16. On 29 May 2016, the Applicant filed the present application.

17.



24. The Applicant submits that the Administration breached an express promise to renew his appointment for two years and thus violated its obligation of good faith and fair dealing.

25. In *Andati-Amwayi* 2010-UNAT-058, the Appeals Tribunal defined what constitutes an administrative decision susceptible to challenge as follows:

17. What is an appealable or contestable administrative decision, taking into account the variety and different contexts of administrative decisions? In terms of appointments, promotions, and disciplinary measures, it is straightforward to determine what constitutes a contestable administrative decision as these decisions have a direct impact on the terms of appointment or contract of employment of the individual staff member.

18. In other instances, administrative decisions might be of general application seeking to promote the efficient implementation of administrative objectives, policies and goals. Although the implementation of the decision might impose some requirements in order for a staff member to exercise his or her rights, the decision does not necessarily affect his or her terms of appointment or contract of employment.

19. What constitutes an administrative decision will depend on the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision.

26. In *Lee* 2014-UNAT-481, the Appeals Tribunal recalled that the key characteristic of an administrative decision subject to judicial review is that the decision must produce direct legal consequences affecting a staff member's terms and conditions of appointment. In other words, the administrative decision must have a direct impact on the terms of appointment or contract of employment of the individual staff member.

27. In *Hamayel* 2014-





32. In *Munir* 2015-UNAT-522, the Appeals Tribunal upheld the finding of the Dispute Tribunal that a staff member had a legitimate expectation of renewal of his fixed-term appointment for one year based on a decision that was found to have been made during a meeting of the Core Management Group of the UNDP Country Office in Sudan. This had been characterized by the Dispute Tribunal as “a decision ... which only remained to be implemented

