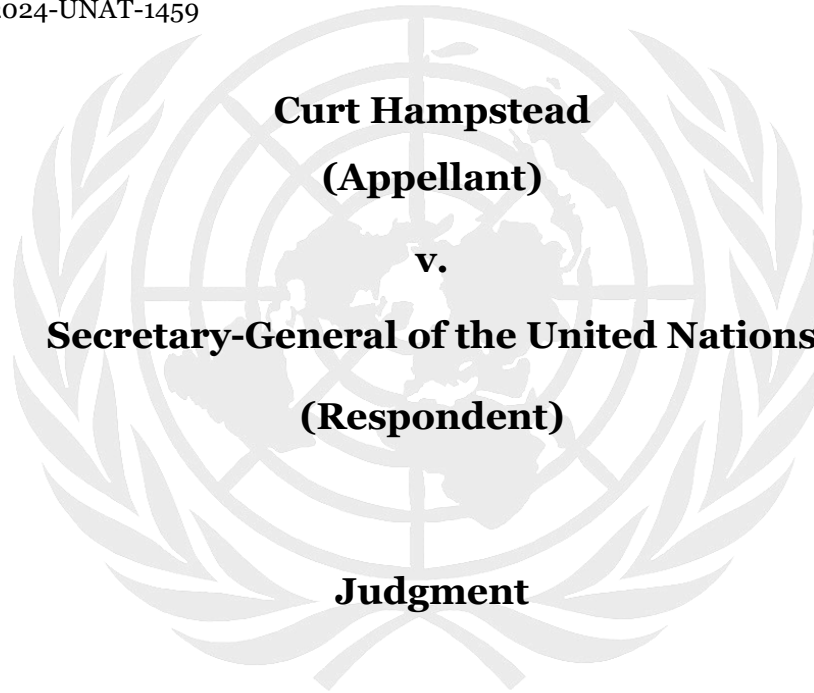




**UNITED NATIONS APPEALS TRIBUNAL**  
**TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2024-UNAT-1459



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Before:	Judge Leslie F. Forbang, Presiding Judge Nassib G. Ziadé Judge Abdelmohsen Sheha
Case No.:	2023-1837
Date of Decision:	28 June 2024
Date of Publication:	26 July 2024
Registrar:	Juliet E. Johnson

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Counsel for Appellant:	George G. Irving
Counsel for Respondent:	Sylvia Schaefer

**JUDGE LESLIE F. FORBANG, PRESIDING.**

1. Mr. Curt Hampstead, a former staff member of the Department for General Assembly and Conference Management (DGACM), filed an application with the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) contesting the decision to terminate his permanent appointment for unsatisfactory service (contested decision). On 13 June 2023, the UNDT issued Judgment No. UNDT/2023/053 dismissing the application (impugned Judgment).
2. Mr. Hampstead filed an appeal before the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
3. For the reasons that follow, we dismiss the appeal and affirm the impugned Judgment.

**Facts and Procedure<sup>1</sup>**

4. Mr. Hampstead joined the Organization in 1989.<sup>2</sup>
5. At the time of the contested decision, Mr. Hampstead served as a Documents Management Assistant at the GS-6 level in the Documents Management Section (DMS), Central Planning and Coordination Division (CPCD) of DGACM on a permanent appointment. In the 2018-2019 performance cycle, Mr. Hampstead received an overall rating of “partially meets performance expectations”. Mr. Hampstead rebutted this performance evaluation, but the Rebuttal Panel maintained the rating.<sup>3</sup>
6. In the framework of the 2019-2020 performance cycle, Mr. Hampstead was placed on a Performance Improvement Plan (PIP) from 1 June 2019 to 31 October 2019. The PIP was extended for subsequent periods ending on 29 February 2020. At the end of the 2019-2020 performance cycle, Mr. Hampstead received an overall rating of “partially meets performance expectations”. Mr. Hampstead rebutted this performance evaluation, but the Rebuttal Panel maintained the rating.<sup>4</sup>

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<sup>1</sup> The facts, where uncontested and relevant, are taken from the impugned Judgment.

<sup>2</sup> Impugned Judgment, para. 4.

<sup>3</sup> *Ibid.*, paras. 4 and 5.

<sup>4</sup> *Ibid.*, para. 6.

7. In the framework of the 2020-2021 performance cycle, Mr. Hampstead was again placed on a PIP. At the end of the 2020-2021 performance cycle, he received an overall rating of “does not meet expectations”. Mr. Hampstead rebutted this performance evaluation, but the Rebuttal Panel again maintained the rating.<sup>5</sup>

8. On 4 October 2021, the Under-Secretary-General for DGACM (USG/DGACM) submitted to the Assistant Secretary-General for Human Resources (ASG/HR), with copy to the Secretariat of the Central Review Bodies (CRBs Secretariat), a request for the termination of Mr. Hampstead’s permanent appointment for unsatisfactory service.<sup>6</sup>

9. On 7 October 2021, the members of the Central Review Panel (CRP) were appointed by the CRBs Secretariat. Following a review of the request for termination, the CRP unanimously concluded that “there was sufficient ground for the termination of the permanent appointment for unsatisfactory service” and agreed with the recommendation for termination of Mr. Hampstead’s permanent appointment.<sup>7</sup>

10. By memorandum of 10 November 2021, the Chairman of the CRP transmitted its report setting out its considerations and conclusions including supporting documents to the ASG/HR for her consideration.<sup>8</sup>

11. By letter dated 18 November 2021, the USG/DGACM informed Mr. Hampstead of the decision to terminate his permanent appointment with immediate effect due to unsatisfactory service. The letter indicates, *inter alia*, that Mr. Hampstead would receive compensation in lieu of notice pursuant to Staff Rules 13.1(a) and 9.7(d).<sup>9</sup>

12. On 30 December 2021, Mr. Hampstead requested management evaluation of the contested decision.<sup>10</sup>

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<sup>5</sup> *Ibid.*, para. 7.

<sup>6</sup> Annex 10 to Appeal.

<sup>7</sup> Impugned Judgment, para. 9.

<sup>8</sup> *Ibid.*, para. 10.

<sup>9</sup> Annex 11 to Appeal.

<sup>10</sup> Impugned Judgment, para. 12.

13. By letter dated 26 January 2022, Mr. Hampstead was informed that the contested decision was upheld.<sup>11</sup>

14. On 25 April 2022, Mr. Hampstead filed an application with the UNDT, and on 25 May 2022, the Secretary-General filed his reply.<sup>12</sup>

15. On 13 June 2023, the UNDT issued the impugned Judgment.

*Impugned Judgment*

16. The UNDT found that Mr. Hampstead's performance had been evaluated in a fair and objective manner in accordance with Section 10 of Administrative Instruction ST/AI/2010/5 (Performance Management and Development System) and that his due process rights had been respected. The UNDT emphasized the documented performance shortcomings over the three performance cycles 2018-2019, 2019-2020 and 2020-2021, as well as the fact that Mr. Hampstead's performance did not improve despite the remedial measures put in place, such as two PIPs, the adjustment of output timelines, and continuous feedback, performance discussions and training that Mr. Hampstead received over the years.<sup>13</sup>

17. The UNDT further held that the Administration had followed the proper procedures for the termination of Mr. Hampstead's permanent appointment for unsatisfactory services in line with Secretary-General's Bulletin ST/SGB/2011/7 (Central review bodies) and Administrative Instruction ST/AI/222 (Procedure to be followed in cases of termination of permanent appointment for unsatisfactory services).<sup>14</sup> In particular, the UNDT noted that (i) the request for termination of Mr. Hampstead's permanent appointment for unsatisfactory service had been submitted by the USG/DGACM to the ASG/OHR and was based on Mr. Hampstead's overall negative performance ratings in the 2018-2019, 2019-2020 and 2020-2021 performance cycles; (ii) the request for termination, including all relevant documentation, had been reviewed by the CRP; (iii) the CRP afforded Mr. Hampstead a reasonable opportunity of 30 days to comment on the proposal for termination and interviewed Mr. Hampstead as well as his First Reporting Officer (FRO) with regard to the three performance cycles; (iv) the CRP met to deliberate on the proposal

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<sup>11</sup> *Ibid.*, para. 13.

<sup>12</sup> *Ibid.*, paras. 14 and 15.

<sup>13</sup> *Ibid.*, paras. 24 to 41.

<sup>14</sup> *Ibid.*, paras. 42 to 61.

and unanimously concluded that there were sufficient grounds for the contested decision and recommended the termination of Mr. Hampstead's permanent appointment to the ASG/OHR; (v) the ASG/OHR forwarded the proposal for termination to the Under-Secretary-General for the Department of Management Strategy, Policy and Compliance (USG/DMSPC); and (vi) the USG/DMSPC, in her delegated authority, accepted the recommendation for termination and issued the notice of termination setting out the reasons for such and the fact that Mr. Hampstead would *inter alia* receive compensation in lieu of notice.

18. Furthermore, the UNDT found no merit in Mr. Hampstead's contention that his second PIP had been initiated despite his absence on sick leave. His PIP had been suspended during his annual leave and sick leave and had only been reinitiated with modifications upon his return from sick leave. Furthermore, contrary to Mr. Hampstead's contention, his managers were not privy to his medical records and health condition, and it would have been inappropriate for them to speculate on his health condition and its impact on his performance. Concerning Mr. Hampstead's claim that no referral for disability had been made, the UNDT found that the Executive Office had brought Mr. Hampstead's case to the attention of the Medical Director on 5 May 2021 as a potential disability case due to Mr. Hampstead's low sick leave with full pay balance. However, the Division of Healthcare Management and Occupational Health and Safety (DHMOSH) did not submit a request for disability to the Pension Fund because the estimated date for the exhaustion of his entitlements was not imminent. Finally, the UNDT dismissed Mr. Hampstead's claim that no accommodation had been offered to him in relation to his then-ongoing medical issues. The UNDT found that a request for advice regarding workplace accommodation had been reviewed, but not supported by DHMOSH. In addition, it was unclear whether Mr. Hampstead had ever requested any specific accommodation such as flexible working arrangements.<sup>15</sup>

19. The UNDT therefore dismissed the application.

20. On 5 August 2023, Mr. Hampstead filed an appeal, and on 5 October 2023, the Secretary-General filed his answer.

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<sup>15</sup> *Ibid.*, paras. 56 to 59.

## Submissions

### Mr. Hampstead's Appeal

21. Mr. Hampstead claims that the UNDT erred in fact and in law by affirming the contested decision.

22. Mr. Hampstead submits that the UNDT failed to note Staff Regulation 1.2(c) which places a duty of care on the Secretary-General to provide for the health and safety of staff. Such duty of care towards its staff implies, first and foremost, that it has to provide a healthy and safe working environment for, and to ensure the safety of, its staff. In support of his contention, Mr. Hampstead refers to the Appeals Tribunal Judgment in *Cahn*,<sup>16</sup> the UNDT Judgment in *Campeau*<sup>17</sup> as well as paragraph 6 of Information Circular ST/IC/1999/111 (Mental Health — Medical and employee assistance facilities).

23. Mr. Hampstead contends that his official record of service indicates no significant performance issues prior to 2018. At the same time, his medical history suggests some serious and worsening physical health problems from 2018 on, coinciding with the change in his supervisors, and increasing criticism of his performance. By December 2020, Mr. Hampstead had been under a doctor's care for a number of physical issues and also diagnosed with depression and anxiety due to issues within his work environment.

24. Mr. Hampstead submits that the UNDT failed to consider his harassment complaints, his medical records or how these were addressed. On 6 March 2020, following informal efforts, Mr. Hampstead filed a formal complaint with the Head of the Department. This coincided with the development of significant cognitive impairment associated with depression and anxiety at work. Following a complaint directed against his second reporting officer (SRO), the Department changed Mr. Hampstead's reporting lines by assigning him to two teams where he reported to two team leaders during the 2020-2021 reporting period. This, Mr. Hampstead submits, created additional challenges that were not addressed by the performance management system. Mr. Hampstead tried to bring his concerns to the CRP, but the CRP confined itself to examining the performance record.

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<sup>16</sup> *Claude Cahn v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1329.

<sup>17</sup> *Campeau v. Secretary-General of the United Nations*, Judgment No. UNDT/2017/091.

25. Furthermore, Mr. Hampstead challenges the UNDT's findings that because his managers were not privy to his medical records, they could not speculate on his medical condition. Mr. Hampstead maintains that his supervisors knew about his health condition because his depression was "patently obvious" and because claims about his health formed part of his harassment complaints. He alleges that the fact that the Executive Office addressed an inquiry about disability on 5 May 2021 belies the premise that Mr. Hampstead's condition was unknown. This request was unknown to Mr. Hampstead and it "appears curious why it was never discussed with him". By the same token, the fact that a request for accommodation had been unsupported by DHMOSH had not been discussed with him. Since his balance of sick leave had not yet been exhausted, "other arrangements could have [been] made short of termination".

26. Mr. Hampstead requests that the Appeals Tribunal reverse the UNDT Judgment, rescind the contested decision and award two years' net base pay for damages to his career, reputation and well-being.

### **The Secretary-General's Answer**

27. The Secretary-General submits that Mr. Hampstead has not identified any reversible error by the UNDT and, therefore, has failed to satisfy the requirements of Article 2(1) of the Appeals Tribunal Statute (Statute). Mr. Hampstead devotes most of his appeal to rearguing previous arguments already brought before the UNDT without substantiating the alleged errors. However, repeating previous arguments does not constitute one of the five grounds for an appeal prescribed by Article 2(1) of the Statute. The Appeals Tribunal has consistently held that an appeal is not an opportunity for the parties to reargue their case, and that it is not sufficient for an appellant to merely repeat the arguments submitted before the Dispute Tribunal. The Secretary-General submits that the appeal should be dismissed on this ground.

28. In the alternative, the Secretary-General submits that Mr. Hampstead's arguments have no merit. His arguments relating to Staff Regulation 1.2(c) and the Administration's duty of care are legally flawed. The duty of care entailed in Staff Regulation 1.2(c) clearly does not shift the obligation of staff members to meet performance expectations to the Administration. Mr. Hampstead is responsible for his unsatisfactory performance. The case law referred to by Mr. Hampstead does not provide such duty. Similarly, his reference to Information Circular

ST/IC/1999/111 is misplaced. An Information Circular is not an administrative issuance with legal value but solely a guidance document. Mr. Hampstead's arguments are therefore founded on a misconception of the law.

29. The Secretary-General further argues that there are designated internal mechanisms for the rebuttal and review of performance appraisals and for raising complaints of harassment. Mr. Hampstead made use of these mechanisms and the UNDT correctly found that his performance had been evaluated in a fair and objective manner, and that the rebuttal process had followed proper procedures. Mr. Hampstead challenged all three negative performance ratings, but they were all upheld by the respective Rebuttal Panels. The UNDT also rightfully noted that Mr. Hampstead did not provide any evidence of harassment. Moreover, it is unclear how the alleged harassment and health issues could have impacted Mr. Hampstead's performance over three performance cycles. As the UNDT rightfully found, the SRO, whom Mr. Hampstead accused of harassment, was only serving as his SRO for the 2019-2020 performance cycle, which would not explain Mr. Hampstead's poor performance in the 2018-2019 and 2020-2021 performance cycles, let alone establish an error by the UNDT.

30. Mr. Hampstead's claim that his supervisors knew about his mental health problems as such information was allegedly contained in his harassment complaints is factually incorrect. In his informal and formal complaints of harassment, Mr. Hampstead did not mention or explain how any health condition may have influenced his performance in the 2018-2019, 2019-2020 and 2020-2021 performance cycles.

31. As the UNDT rightfully found, Mr. Hampstead's "managers were not privy to his medical records or health condition and, in any event, it would have been inappropriate for them to speculate on his health condition and its impact on his performance", nor did they have the medical expertise to do so. In addition, and contrary to Mr. Hampstead's claim, the fact that the Executive Office brought Mr. Hampstead's case to the attention of the Medical Director as a potential disability case does not mean that the Administration knew about his mental health condition or how such should have influenced his performance. This outreach was simply due to Mr. Hampstead's low balance of sick leave with full pay and was conducted in accordance with internal practices.



32. Finally, Mr. Hampstead’s argument that “other arrangements could have [been] made short of termination” since “his balance of sick leave [had] not yet [been] exhausted” misses the point that his appointment was terminated for unsatisfactory service. It is not for the UNAT to determine if other avenues could have been taken by the Administration that the staff member would have found more favorable to him. Instead, the UNAT must determine if the UNDT erred in finding that the Administration had lawfully terminated the appointment.

33. The Secretary-General requests the UNAT to dismiss the appeal in its entirety.

### **Considerations**

34. We have before us an appeal against Judgment No. UNDT/2023/053 rendered by the UNDT on 13 June 2023 wherein the Dispute Tribunal affirmed the decision by DGACM to terminate Mr. Hampstead’s permanent appointment for unsatisfactory service finding that (1) his performance had been evaluated in a fair and objective manner; and (2) the Administration had followed the proper procedure in making the contested decision.

35. Dissatisfied with the impugned Judgment, Mr. Hampstead lodged an appeal before this Tribunal praying for the impugned Judgment to be reversed, the contested decision rescinded and claiming compensation for harm to career, reputation and wellbeing in the amount of two years’ net base salary. In his answer, the Secretary-General requests the Appeals Tribunal to dismiss the appeal in its entirety.

36. From our analysis below, the appeal is dismissed in its entirety, and the impugned Judgment is affirmed.

37. This appeal turns on the question of whether the Dispute Tribunal erred in finding the decision by DGACM to terminate Mr. Hampstead’s permanent appointment for unsatisfactory service lawful; and in the affirmative, whether Mr. Hampstead is entitled to the compensation claimed.

38. The termination of staff appointment for reasons of poor performance or unsatisfactory service is based on the Staff Regulations and Rules. To determine the validity of the Dispute Tribunal’s decision to uphold the contested decision, it is imperative that we first examine whether the UNDT followed the legal framework, complied with the relevant procedure and

applied the right standards in determining the termination of Mr. Hampstead's permanent appointment for unsatisfactory service.

39. Mr. Hampstead argues that the UNDT did not consider Staff Regulation 1.2(c) which obliges the Secretary-General to provide for the health and safety of staff in arriving at the impugned Judgment. The Secretary-General, on the other hand, contends that the Dispute Tribunal correctly determined that the contested decision was lawful by identifying the applicable law and the standard of review for decisions to terminate permanent appointments for unsatisfactory service.

40. Having reviewed the parties' submissions, this Tribunal notes that the Dispute Tribunal in rendering the impugned Judgment relied, and correctly so, on the legal basis to terminate a permanent appointment for unsatisfactory service spelt out in Staff Regulation 9.3(a)(ii) and Staff Rules 9.6(c)(ii) and 13.1(b)(i) and the procedure for addressing performance shortcomings and unsatisfactory performance set forth in Section 10 of ST/AI/2010/05.

41. Staff Regulation 9.3(a)(ii) provides that:

(a) The Secretary-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance with the terms of his or her appointment or for any of the following reasons:

...

(ii) If the services of the staff member proves unsatisfactory[.]

...

42. Furthermore, Staff Rule 9.6(c)(ii) applicable at the time<sup>18</sup> provides that:

...

(c) The Secretary-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance with the terms of his or her appointment or for any of the following grounds:

...

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<sup>18</sup> Secretary-General's Bulletin ST/SGB/2017/1 (Staff Regulations and Rules of the United Nations).

(ii) Unsatisfactory service[.]

43. Sections 10.3 and 10.4 of ST/AI/2010/5 authoritatively state as follows:

10.3 If the performance shortcoming was not rectified following the remedial actions indicated by section 10.1, a number of administrative actions may ensue, including the withholding of a within-grade salary increment pursuant to section 16.4, non-renewal of an appointment or the termination of an appointment for unsatisfactory service in accordance with Staff Regulation 9.3.

10.4 Where at the end of the performance cycle performance is appraised overall as “does not meet performance expectations”, the appointment may be terminated as long as the remedial actions indicated in section 10.1 above included a performance improvement plan, which was initiated not less than three months before the end of the performance cycle.

44. In the instant case, Mr. Hampstead’s overall performance rating moved from “partially meets performance expectations” in the 2018-2019 and 2019-2020 performance cycles to “does not meet performance expectations” in the 2020-2021 performance cycle irrespective of being placed on a PIP on two occasions. Consequently, it was perfectly within the discretion of the Administration to terminate his permanent appointment for unsatisfactory service in accordance with Staff Regulation 9.3.

45. We therefore agree with the Dispute Tribunal that due deference must be accorded to the Administration’s discretion in appraising the performance of staff members and terminating appointments for poor performance in accordance with the Staff Regulations and Rules. This is consistent with our decision in *Said*:<sup>19</sup>

[T]his Tribunal clearly stated that the UNDT must accord deference to the Administration’s appraisal of the performance of staff members, and cannot review *de novo* a staff member’s appraisal, or place itself in the role of the decision-maker and determine whether it would have renewed the contract, based on the performance appraisal. Performance standards generally fall within the prerogative of the Secretary-General and, unless the standards are manifestly unfair or irrational, the UNDT should not substitute its judgment for that of the Secretary-General.

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<sup>19</sup> *Sarwar v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-757, para. 74, referring to *Said v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-500, para. 40.

46. We further held in *Sanwidi* that:<sup>20</sup>

When judging the validity of the Secretary-General's exercise of discretion in administrative matters, the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. But it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Secretary-General amongst the various courses open to him. Nor is it the role of the Tribunal to substitute its own decision for that of the Secretary-General.

47. By the same token, in *Sarwar* we captured the standard of review in cases of poor performance as follows:<sup>21</sup>

Whenever the Secretary-General is called upon to decide if a valid and fair reason exists to terminate an appointment for poor performance, he should consider whether the staff member in fact failed to meet performance standards and if so whether: i) the staff member was aware, or could reasonably be expected to have been aware, of the required standard; ii) the staff members was given a fair opportunity to meet the required standard; and iii) termination of appointment is an appropriate action for not meeting the standard in the circumstances. The processes and standards contained in ST/AI/2010/5 are geared to the specific attainment of these general objectives.

48. We have however cautioned in *Das* that:<sup>22</sup>

... Managers are required to record unsatisfactory performance and bring it to the attention of the staff member in a timely manner, in order to offer the staff member an opportunity to improve his or her performance. It is in the reporting cycle immediately after this given opportunity that the performance of the staff member should be assessed to determine whether there has been an improvement. If the staff member does not fully meet the expectations for the second time in succession, then the appointment may be terminated for unsatisfactory performance.

49. In the instant matter, sight should not be lost that Mr. Hampstead joined the Organization in 1989 and had served for over 30 years at the time of the contested decision. Taking into account Mr. Hampstead's length of service to the Organization and the fact that he had been placed on multiple PIPs to improve his work performance suggests his awareness of the required standards for his post.

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<sup>20</sup> *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-084, para. 40.

<sup>21</sup> *Sarwar* Judgment, *op. cit.*, para. 73.

<sup>22</sup> *Das v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-421, para. 37.

50. Secondly, in the present case, Mr. Hampstead was placed on two PIPs during the 2019-2020 and 2020-2021 performance cycles but failed to meet performance expectations. The PIPs were remedial measures generally aimed at improving his work product, developing professionalism and core skills. The evidence on record shows that Mr. Hampstead received regular feedback, continuous guidance and on-the-job training from his FRO, Senior Colleagues and Team Leader, but this did not improve his performance. We therefore conclude that he was given a fair opportunity to meet the required performance standards for his role.

51. In that regard, we stated in *Guenfoudi* that:<sup>23</sup>

Human resources management requires not only that the employer ensures the rights and benefits of the employees, but for employees to make every effort to maintain their technical or subject-matter competence and to finish their assigned work in compliance with the required standard. Staff Regulation 1.3 (a) sets forth such obligation explicitly:

Staff members are accountable to the Secretary-General for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions. Their performance will be appraised periodically to ensure that the required standards of performance are met.

52. Thirdly, Mr. Hampstead's failure to improve his work performance after being placed on two successive PIPs was a breach of his duty to the Organization. It was therefore lawful and appropriate for the Administration to terminate his appointment for not meeting performance standards in accordance with the applicable legal framework.

53. Mr. Hampstead contends further that the Administration did not fulfil its duty of care under Staff Regulation 1.2(c) to provide for the health and safety of staff because his depression was "patently obvious" not to be noticed by his managers/supervisor. The Secretary-General argues that his reliance on Staff Regulation 1.2(c) is legally flawed and does not absolve staff members from their obligation to meet performance standards.

54. We hold that the Administration's duty of care towards Mr. Hampstead was limited to ensuring that he was aware of the required performance standards and given a fair opportunity to meet those standards before terminating his permanent appointment for unsatisfactory

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<sup>23</sup> *Mustapha Guenfoudi v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1364, para. 77.

service. The Administration fulfilled that duty when Mr. Hampstead's FROs brought to his attention the existence of performance issues and the need for his improvement as soon as he was placed on PIPs. Therefore, the UNDT rightly concluded that Mr. Hampstead's "managers were not privy to his medical records or health condition and, in any event, it would have been inappropriate for them to speculate on his health condition and its impact on his performance".<sup>24</sup>

55. From the foregoing, we find that Mr. Hampstead has not established that the UNDT made any errors under Article 2(1) of the Appeals Tribunal Statute. We are satisfied that the UNDT did not err in concluding that the Administration's decision to terminate Mr. Hampstead's permanent appointment for unsatisfactory service was lawful.

56. Turning to Mr. Hampstead's request for compensation, we recall that the Appeals Tribunal has consistently held that "compensation cannot be awarded when no illegality has been established; it cannot be granted when there is no breach of the staff members' rights or administrative wrongdoing in need of repair".<sup>25</sup> Having found that the UNDT did not err in finding that Mr. Hampstead's termination was lawful, there is no basis to award compensation.

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<sup>24</sup> Impugned Judgment, para. 57.

<sup>25</sup> *Sahar Darweesh Hanjoury v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1396, para. 60, citing *Yolla Kamel Kanbar v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1082, para. 45.

**Judgment**

57. Mr. Hampstead's appeal is dismissed, and Judgment No. UNDT/2023/053 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 28<sup>th</sup> day of June 2024 in New York, United States.

*(Signed)*

Judge Forbang, Presiding

*(Signed)*

Judge Ziadé

*(Signed)*

Judge Sheha

Judgment published and entered into the Register on this 26<sup>th</sup> day of July 2024 in New York, United States.

*(Signed)*

Juliet E. Johnson, Registrar