



**Before:** Judge Francesco Buffa

**Registry:** Geneva

**Registrar:** René M. Vargas M.

ANDELIC

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Steven Dietrich, AAS/ALD/OHRM, UN Secretariat

## **Introduction**

1. The Applicant contests the non-renewal of her fixed-term appointment (“FTA”) beyond 31 December 2017 for reasons related to alleged performance shortcomings.

## **Facts and procedural history**

2. The Applicant served as a Coordination Officer (P-4), Jalalabad Field Office, United Nations Assistance Mission in Afghanistan (“UNAMA”), Department of Peacekeeping Operations (“DPKO”), under FTAs from 24 August 2010. Her last fixed-term appointment was due to expire on 31 December 2017 and was extended until 15 June 2018, date of her separation from service.

### *Applicant’s 2015-2016 performance evaluation*

3. On 2 February 2016 the Applicant’s First Reporting Officer (“FRO”) and Second Reporting Officer (“SRO”) proposed to the Applicant a performance improvement plan (“PIP”) for the period from February to May 2016; on 11 May 2016, the Applicant’s FRO proposed a new PIP for the period from 11 May to 10 October 2016. In both occasions, the Applicant objected to these PIPs.

4. On 15 June 2016, the Applicant electronically acknowledged that her performance review for the 2015-2016 cycle had been conducted, resulting in a rating of “partially meets performance expectations”. The Applicant’s FRO identified performance shortcomings for the core values of integrity, professionalism and respect for diversity, as well as for the core competencies of teamwork and client orientation. The FRO also identified weaknesses in the Applicant’s managerial competencies in the areas of managing performance and vision. The SRO stated that he was concerned that there was no improvement in some of the Applicant’s managerial competencies despite frequent requests for improvement.

5. The Applicant rebutted this performance evaluation. By memorandum of 27 November 2016, the rebuttal panel maintained the rating of “partially meets performance expectations”.

6. Upon request of the Applicant under sec. 15.5 of administrative instruction ST/AI/2010/5 (Performance Management and Development System) and as per instruction from the Acting Assistant-Secretary General (“Acting ASG”), Office of Human Resources Management (“OHRM”) dated 10 March 2017, the outcome of the rebuttal process for 2015-2016 was annulled, and the Applicant then agreed to the constitution of an ad-hoc rebuttal panel.

7. On 9 August 2017, the ad-hoc rebuttal panel submitted its report to the Acting ASG, OHRM, recommending that the Applicant’s 2015-2016 performance evaluation rating be maintained as “partially meets performance expectations”.

*Applicant’s 2016-2017 performance evaluation*

8. From January 2017 to March 2017, the Applicant was placed on a PIP, although she continued to object to it. This PIP was put on hold during her certified sick leave from 2 February to 25 April 2017.

9. On 31 March 2017, the Applicant’s FRO retired from the Organization but completed the Applicant’s performance evaluation for the 2016-2017 cycle.

10. By memorandum of 25 May 2017, the Chief of Staff, UNAMA, reminded the Applicant of the need to complete the PIP initiated by the retired FRO in January 2017 and to sign-off on the 2016-2017 performance appraisal. The Applicant reiterated her objection to the PIP on 30 May 2017, and the Chief of Staff, UNAMA, responded to the Applicant’s concerns on 19 June 2017.

11. On 10 June 2017, the Applicant electronically acknowledged that her performance review for the 2016-2017 cycle had been conducted. It resulted in a rating of “does not meet performance expectations”. The Applicant’s retired FRO identified performance shortcomings for the core values of integrity, professionalism and respect for diversity, and for each of the core competencies except for technological awareness. The retired FRO also identified weaknesses for each of the managerial competencies. The Applicant’s SRO, however, indicated some progresses on the Applicant’s work and several positive outcomes. He further noted that the PIP could not be implemented as the Applicant was on sick leave.

12. On 21 June 2017, the Applicant rebutted her 2016-2017 performance appraisal rating.

13. On 5 December 2017, the rebuttal panel submitted its report to the Chief of Mission Support (“CMS”), UNAMA. The panel recommended, by “majority of consensus”, that the Applicant’s performance rating be changed from “does not meet performance expectations” to “partially meets performance expectations”.

14. By letter of 16 January 2018 to the Under-Secretary-General for Management, copied to the Management Evaluation Unit, the Applicant requested a review of the rebuttal panel’s determination concerning her performance review for the 2016-2017 performance cycle pursuant to sec. 15.5 of ST/AI/2010/5.

15. On 19 January 2018, the Management Evaluation Unit advised the Applicant that her request had been forwarded to the attention of the Assistant Secretary-General for Human Resources Management (“ASG/HRM”), for her review. This request was still “under review” at the time of filing the Respondent’s reply to the application in this case and the Respondent undertook to inform the Tribunal of any development/decision about it.

16. In his closing submission dated 12 Dec 2019, the Respondent advised the Tribunal that the office of the ASG/HRM completed the review of the rebuttal process for the Applicant’s 2016-2017 performance evaluation rating, and that although some procedural errors in the rebuttal process had been identified no further action would be taken.

*Applicant’s 2017-2018 performance evaluation period*

17. On 27 April 2018, the Applicant filed an addendum to her application, to which she attached her performance appraisal for the period from 1 April through 31 December 2017. This performance appraisal, signed by her new FRO on 1 March 2018, gave her a rating of “successfully meets performance expectations”. The Applicant’s SRO, who also acted as such in the Applicant’s 2015-2016 and 2016-2017 performance evaluation cycles, concurred with this rating on 19 April 2018.

*The decision not to extend the Applicant's FTA for poor performance*

18. By memorandum dated 13 December 2017, communicated to the Applicant on 17 December 2017, the CMS, UNAMA, informed the Applicant of the outcome of her 2016-2017 performance evaluation rebuttal and that, based on the rebuttal process outcome, her fixed-term appointment, expiring on 31 December 2017, would not be extended pursuant to sections 10.3 and 15.6 of ST/AI/2015/5.

19. On 19 December 2017, the Applicant requested management evaluation of the decision not to renew her FTA beyond 31 December 2017.

20. On the same day, she filed an application for suspension of action pending management evaluation of said decision, pursuant to art. 2.2 of the Tribunal's Statute and art. 13 of its Rules of Procedure. This Tribunal granted the application for suspension of action by Order No. 260 (GVA/2017) of 27 December 2017. Accordingly, the Applicant's FTA was extended until 31 March 2018.

21. The Under-Secretary-General for Management informed the Applicant by letter of 19 February 2018 that the decision not to renew her FTA had been upheld.

22. By memorandum dated 21 February 2018, the Chief of Section, Human Resources Unit, UNAMA, advised the Applicant that her checkout from UNAMA had to be finalized by close-of-business on 31 March 2018.

23. On 22 February 2018, the Applicant filed her application with the Tribunal.

24. On 25 February 2018, the Applicant filed a motion for interim measures requesting suspension of the implementation of the decision to not to renew her FTA and the subsequent memorandum instructing the Applicant to finalize her checkout by 31 March 2018.

25. By Order No. 51 (GVA/2018) of 27 February 2018, the Tribunal rejected the Applicant's motion for interim measures for lack of jurisdiction on the grounds that pursuant to art. 10.2 of its Statute and art. 14.1 of its Rules of Procedures, the Tribunal cannot grant a request for interim measures in cases of appointment, promotion or termination.

26. The Respondent filed his reply to the application on 26 March 2018.

27. Following re-assignment of the case to the undersigned Judge on 1 October 2019, the parties, *inter alia*, agreed to the case being decided on the papers and they were given leave to file closing submissions by 12 December 2019.

**Parties' submissions**

28. The Applicant's principal contentions are:

a. Her 2016-2017 performance evaluation was vitiated by several shortcomings, as found by the rebuttal panel, including non-compliance with applicable deadlines, lack of documentary evidence that she failed to meet the goals set out in her work plan and that she was offered appropriate counselling and mentoring, absence of an agreed PIP and rating being influenced by interpersonal issues between the Applicant and her then FRO;

b. No remedial action was taken prior to deciding not to renew her FTA, in contravention with the applicable rules;

c. The rebuttal process for her 2016-2017 performance evaluation did not comply with the requirements of ST/AI/2010/5 as neither the Applicant nor her then FRO were heard by the rebuttal panel and the Applicant was not provided with a copy of the written statement prepared by her SRO in response to her rebuttal request. In addition, the Panel decided not to interview individuals suggested by the Applicant;

d. The Applicant has provided valid explanations for objecting to a PIP being imposed on her for the periods of February to May 2016 and May to October 2016. The Applicant was not able to fully implement the PIP from 1 January to 31 March 2017 due to certified sick leave. She actively engaged in the implementation of the PIP upon her return on 26 April 2017 as acknowledged by her new FRO;

e. The contested decision is not substantiated by the facts. The Applicant consistently demonstrated good performance, and this was notably confirmed in her latest performance appraisal for the period from 1 April through 31 December 2017 (2017-2018 performance evaluation cycle); and

f. Consequently, on the grounds of material omission and misinterpretation of the law, the Applicant requests the Tribunal to rescind the contested decision dated 13 December 2017 of non-renewal of her fixed-term appointment, and to extend her FTA until 30 June 2018, pursuant an email message dated 4 February 2018 from the Special Representative of the Secretary-General for Afghanistan to all staff announcing the extension of all contracts until that date.

29. The Respondent's principal contentions are:

a. The application is not receivable *ratione materiae* as the Applicant seeks to challenge the outcome of her request for management evaluation, which is not a reviewable administrative decision under art. 2 of the Tribunal's Statute;

b. In any event, the contested decision is lawful. The Applicant did not fully meet performance expectations for two consecutive performance cycles: she received an overall rating of *partially meets performance expectations* in her 2015-2016 and in her 2016-2017 performance evaluation cycles. Rebuttal panels constituted to review the overall ratings given to the Applicant did not change the ratings to successfully meets performance expectations. Given that the Applicant had not fully met performance expectations, as confirmed by the rebuttal panels, the decision to not renew her appointment pursuant to Staff Regulation 9.3 and sec. 10.3 of ST/AI/2010/5 is lawful;

c. The Applicant's performance was properly and fairly evaluated. She was given ongoing performance feedback by her FRO and SRO. However, the Applicant consistently refused to implement a PIP to remedy identified shortcomings;

d. The Applicant was also provided the opportunity to challenge both her 2015-2016 and 2016-2017 performance appraisals, but her unsatisfactory performance ratings were upheld. The fact that the Applicant and the FRO were not interviewed in respect of the 2016-2017 performance appraisal rebuttal does not vitiate the process as the rebuttal panel considered that it had sufficient information to review the Applicant's performance, including the Applicant's detailed and extensive documentation, the FRO written evaluation and the evaluation provided by the SRO in writing and orally to the rebuttal panel;

e. The Applicant's 2017-2018 performance evaluation rating is not relevant as it was not part of the legal basis in support of the contested decision; and

f. Consequently, the Respondent asks the Tribunal to dismiss the application in its entirety.

## **Consideration**

### *Receivability ratione materiae*

30. The Tribunal recalls that it has an inherent power to identify what a party is contesting as well as to interpret and comprehend the subject matter of an application (see *Massabni* 2012-UNAT-238, paras. 3 and 26).

31. The Applicant, who is self-represented, directed her application against the 19 February 2018 response to her request for management evaluation from the Under-Secretary-General for Management. However, it is clear from the Applicant's submissions, and particularly from the remedies requested, that she, in fact, contests the decision not to renew her FTA beyond 31 December 2017, notified to her on 13 December 2017.

32. The Applicant timely requested management evaluation of said contested decision and has met the procedural requirements to have this Tribunal adjudicate her case. The application is therefore receivable *ratione materiae*.



*Merits of the case*

33. The dispute is about the non-renewal of the Applicant's fixed-term contract owing to alleged poor performance. As to the merits, the Tribunal shall examine the following issues:

- a. Whether the Applicant's performance for the 2015-2016 and 2016-2017 cycles was evaluated in accordance with the provisions of ST/AI/2010/5;
- b. Whether the Organization failed to consider relevant information by not taking into account the Applicant's performance appraisal for the period from 1 April through 31 December 2017; and
- c. Whether the decision not to renew the Applicant's FTA due to performance reasons was lawful.

Whether the Applicant's performance for the 2015-2016 and 2016-2017 cycles was evaluated in accordance with the provisions of ST/AI/2010/5

34. Section 10 of ST/AI/2010/5 sets the legal framework for addressing performance shortcomings and unsatisfactory performance. In summary, it provides for the following steps:

- a. Upon identification of a performance shortcoming, implementation of remedial measures such as counselling, transfer to more suitable functions, additional training and/or the institution of a time-bound PIP (see sec 10.1 of the instruction); and
- b. If remedial actions do not rectify the situation, and the performance evaluation at the end of the performance cycle results in a rating of "partially meets performance expectations", preparation of a written PIP is to be made in consultation with the staff member and the second reporting officer (see sec 10.2 of the instruction).

35. Said section also provides for administrative actions that may result if the performance shortcoming is not remedied or from unsatisfactory performance. These are:

- a. Performance shortcomings not rectified by undertaken remedial actions may result in the withholding of a within-grade salary increment, the non-renewal of an appointment or the termination of an appointment for unsatisfactory service in accordance with staff regulation 9.3 (see sec 10.3 of the instruction); and
- b. Performance appraised as “does not meet performance expectations” despite implementation of remedial actions and a written PIP, initiated not less than three months before the end of the performance cycle, may result in the termination of an appointment (see sec 10.4 of the instruction).

36. In the present case, the Applicant was given ongoing performance feedback by her FRO and SRO and was also provided with the opportunity to challenge both her 2015-2016 and 2016-2017 performance appraisals before different rebuttal panels, but her unsatisfactory performance ratings were upheld.

37. The record shows that the Applicant’s 2015-2016 performance appraisal rating was reviewed and confirmed by two rebuttal panels, which maintained the rating as “partially meets performance expectations”. The Applicant does not raise any specific concern about this rebuttal process and/or the resulting performance evaluation rating.

38. The gist of the Applicant’s challenge is based on her questioning of her 2016-2017 performance appraisal. The Applicant alleges that this appraisal was vitiated by the lack of evidence that she failed to meet the goals set out in her work plan, the absence of an agreed PIP, and improper influence of interpersonal issues between her and her FRO. The Applicant also highlights that the rebuttal process for her 2016-2017 performance evaluation did not comply with the requirements of ST/AI/2010/5, as neither her nor her FRO were heard by the rebuttal panel, she was not provided with a copy of the written statement prepared by her SRO in response

to her rebuttal request, and the rebuttal panel decided not to interview individuals suggested by the Applicant.

39. The record also confirms that neither the Applicant nor her FRO were interviewed by the rebuttal panel, notwithstanding the fact that sec. 15.3 of ST/AI/2010/5 requires the staff member to be heard, unless impractical due to geographical location of the parties.

40. However, according to the UNAT case law (see *Sarwar* 2017-UNAT-757, para. 87), procedural irregularities in the performance evaluation process do not necessarily result in a subsequent finding of unlawfulness of a contested decision, and “the determination of whether [a staff member] was denied due process or procedural fairness, in the final analysis, must rest upon the nature of any procedural irregularity and its impact”(see also *Sarwar* 2018-UNAT-868, par. 25, about the right of the staff member to be re-interviewed by the Panel, although in the context of an investigation).

41. The UNAT also stated that the Organization cannot be “forced to renew the appointment of an unqualified staff member merely because there are procedural errors in the evaluation process, provided that the procedural errors are not so serious and substantial as to render the evaluation process unlawful or unreasonable or as to violate the due process rights of the staff member in question” (*Ncube* 2017-UNAT-721).

42. In the case at hand, due process of law was granted to the Applicant in a reasonable way, considering that she had the chance to express in writing her point of view and that the Organization made all reasonable efforts, given the circumstances, to interview the FRO (who, however, on retirement did not come forward). The fact that the Applicant and her FRO were not interviewed in respect of the 2016-2017 performance evaluation rebuttal does not vitiate the process as the rebuttal panel considered that it had sufficient information to review the Applicant’s performance, including the Applicant’s detailed and extensive documentation, the FRO’s written evaluation, the evaluation provided by the SRO in writing and orally to the rebuttal panel, and also the documentation related to the rebuttal of the previous performance evaluation cycle (2015-2016), during which the Applicant

raised similar issues, was interviewed and did not result in a change of the performance rating.

43. In addition, it must be noted that the Applicant neither alleged specific facts, not considered by the rebuttal panel, that the interviews could have brought to its attention, nor she showed how the requested interviews could have affected the rebuttal outcome.

44. The Tribunal consequently finds that the lack of interviews before the rebuttal panel does not amount to a procedural irregularity vitiating the Applicant's 2016-2017 performance evaluation.

45. In conclusion, the Organization correctly assessed that the Applicant did not fully meet performance expectations for two consecutive performance cycles.

46. In this context, it is not for the Tribunal to substitute its evaluation of the Applicant's performance to the one properly carried out by the Organization, as the Tribunal may only assess the lawfulness of the evaluation procedure and not the merit of it.

47. In *Said* 2015-UNAT-500, particularly paras. 40-41, the Appeals Tribunal stressed that the Dispute Tribunal shall give deference to the decision-maker's assessment of the staff member's performance. It is not the Tribunal's role to review *de novo* a staff member's appraisal or to place itself in the role of the decision-maker and determine whether it would have renewed the contract based on the performance appraisal (see also *Jennings* 2011-UNAT-184, particularly para. 24, and *Dzintars* 2011-UNAT-175). Performance standards generally fall within the prerogative of the Secretary-General and unless the standards are manifestly unfair or irrational, the Tribunal should not substitute its judgment for that of the Secretary-General.

Whether the Organization failed to consider relevant information by not taking into account the Applicant's performance appraisal for the period from 1 April through 31 December 2017

48. In December 2017, the Organization informed the Applicant about the non-renewal of her FTA. At that time, the Organization had not still completed the Applicant's performance evaluation for the period from 1 April to 31 December 2017.

49. In the present case, an important issue relates to the obligation of the Organization to complete the Applicant's performance evaluation for the period from 1 April through 31 December 2017, that is for the last period of the contract. This obligation stems from sec. 3.3 of ST/AI/2010/5:

3.3. When a staff member takes up new duties upon reassignment or transfer, the e-PAS or e-performance document shall be completed by the staff member and his/her supervisor for the period between the beginning of the performance period and the date of reassignment, transfer or separation.

50. The rule, in fact, explicitly refers to the case of *separation* among the circumstances in which the performance evaluation must be completed.

51. A similar rule is found in sec. 6.1 ST/AI/2010/4 (Administration of temporary appointments) albeit relating to staff members holding temporary appointments. The Tribunal considers that from these provisions in ST/AI/2010/5 and ST/AI/2010/4, derives a general principle to complete performance evaluations before separation applicable also to staff members holding a fixed-term appointment.

52. In the present case, on 1 March 2018, the Applicant received the performance appraisal for the period from 1 April to 31 December 2017. This performance appraisal, signed by her new FRO on 1 March 2018, gave the Applicant a rating of "successfully meets performance expectations". The SRO, who remained the same throughout previous evaluations, concurred with this rating on 19 April 2018. At this date, the Applicant was still in active service.

53. The situation of the present case is therefore completely different from the one examined by this Tribunal in *Kotanjyan* UNDT/2018/077 (not appealed), where the Organization gave that Applicant opportunities to improve his performance and to comply with the PIP, but it was at some point faced with an impasse due to the lack of that Applicant's cooperation leading to the non-renewal of the FTA.

54. The Tribunal found incoherent to neglect available recent good performance results of a staff member at the same moment when the Organization examines a poor performance of the past when pondering whether to renew a contract.

55. In other words, in the case at hand, the Organization could not decide not to renew the Applicant's FTA relying exclusively on her 2015-2016 and 2016-2017 performance evaluations and disregarding the performance for the period from 1 April to 31 December 2017.

56. It is true that the Organization can find in any case that the performance of a staff member in the years is inconstant and therefore not useful to the Organization, and that two consecutive negative performance ratings can support the non-renewal of a contract. However, the Organization had to make a balancing exercise of the Applicant's different performance results and could not simply act as if the last satisfactory performance rating did not exist.

57. The fact that the Applicant's 2017-2018 performance evaluation was not completed at the time of the decision to not to renew the Applicant's appointment is not relevant, as it should have been completed, as above said, according to the applicable rules.

58. The failure by the Organization to consider the more recent improvement of the performance by the Applicant infringes its obligation, stressed in *Tadonki* 2014-UNAT-400 by the Appeals Tribunal, to ensure that performance evaluations be objective, fair and well based.

Whether the decision not to renew the FTA due to performance reasons was lawful at the time it was taken

59. Staff regulation 4.5(c) and staff rule 4.13 provide that "[a] fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal". In

*Ahmed* 2011-UNAT-153, the Appeals Tribunal held that “if based on valid reasons and in compliance with procedural requirements, fixed-term appointments may not be renewed.”

60. As a fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal for an employee receiving a satisfactory performance evaluation, *a fortiori* it does not carry any expectancy for a staff member whose performance was found unsatisfactory.

61. In the UNAT’s case-law, it is well established that unsatisfactory performance constitutes a legitimate basis for the non-renewal of a staff member’s fixed-term appointment (*Said*, referring to *Morsy* 2013-UNAT-298; *Ahmed*).

62. In particular, the Appeals Tribunal held that a staff member whose performance was rated as “partially meets performance expectations” has no legitimate expectancy of renewal of his or her contract (*Said*, particularly para. 41; *Dzintars*; *Jennings*, particularly para. 24).

63. These general principles recalled, it must be noted, however, that a non-renewal decision can be challenged on the grounds that the Organization did not act fairly, justly or transparently, or if the decision is motivated by bias, prejudice or improper motive against the staff member.

64. Following *Morsy*, an administrative decision to not to renew a fixed-term appointment, even one to not to renew based on poor performance, can be challenged on the grounds that the decision was arbitrary, procedurally deficient, or that it resulted from prejudice or some other improper motivation (this was also confirmed in *Assad* 2010-UNAT-021; *Said*, para. 34; *Assale* 2015-UNAT-534, para. 30).

65. The staff member has the burden of proving that such factors played a role in the administrative decision. Nonetheless, it is also well-established that if the reason not to renew an appointment is related to the staff member’s poor performance, the Secretary-General must present a performance-related justification for the non-renewal decision (*Obdeijn* 2012-UNAT-201; *Pirnea* 2013-UNAT- 311; *Schook* 2012-UNAT-216; *Das* 2014-UNAT-421).

66. Some aspects of the present case are like those examined in *Dzintars*, where the non-renewal was based on a performance rating that had been upgraded. In that Judgment (see paras. 30 and 31), the Appeals Tribunal was of the opinion “that an improvement of the performance rating should have automatically led to the withdrawal of the non-renewal order and a reconsideration of the decision based on the improved rating” and that “the decision of non-renewal ought to have been taken on the basis of the upgraded [performance]rating”.

67. This Tribunal already found in *Zong* UNDT-2018-38, that the Organization should have had to evaluate the Applicant’s performance during the last part of the contract before deciding not to renew it.

68. Furthermore, the Tribunal considers that in line with the Organization’s duty of care towards its staff members, and consistent with the spirit of the remedial actions provided for in ST/AI/2010/5, the Organization must make every effort to consider in good faith relevant performance information available to it prior to separation of a staff member when opting not to renew an appointment on grounds of unsatisfactory performance.

69. The Tribunal finds that the Organization failed to promptly evaluate and consider satisfactory results achieved by the Applicant during the last performance cycle of her contract, and to balance, where appropriate, those results with the previous performance evaluations. These facts were relevant to the Organization’s decision to not to renew the Applicant’s FTA on performance grounds, and their lack of consideration consequently makes the non-renewal decision unlawful.

#### *Remedies*

70. The remedy of rescission of an administrative decision generally entails the undoing of the decision. The Tribunal has found that the Organization failed to comply with the requirements of ST/AI/2010/5 and that the decision to separate the Applicant from service based on performance grounds was unlawful.

71. The Tribunal considers it appropriate to order the rescission of the decision to separate the Applicant from service.



72. In accordance with art. 10.5(a) of its Statute, the Tribunal will set an amount of compensation that the Respondent may elect to pay as an alternative to rescission of the decision.

73. Considering the Applicant's length of service and the legal shortcomings described above, the Tribunal sets the amount of compensation in lieu to nine months' net base salary.

### **Conclusion**

74. In view of the foregoing, the Tribunal DECIDES:

- a. The application is granted;
- b. The decision not to renew the Applicant's FTA is rescinded;
- c. As an alternative to the rescission of the decision, the Respondent may elect to pay the Applicant an amount equivalent to the nine months of her net base salary at the grade and level that she held at the time of her separation from service; and
- d. The aforementioned compensation shall bear interest at the United States of America prime rate with effect from the date this Judgment becomes executable until payment of said compensation. An additional five per cent shall be applied to the United States prime rate 60 days from the date this Judgment becomes executable.

*(Signed)*

Judge Francesco Buffa

Dated this 17<sup>th</sup> day of January 2020

Entered in the Register on this 17<sup>th</sup> day of January 2020

*(Signed)*

René M. Vargas M., Registrar, Geneva