



INTERNATIONAL SEABED AUTHORITY

JOINT APPEALS BOARD

ISBA/JAB/APPEAL/ PUSZTAI/2025

David Pusztai (the "Appellant")

v.

**Secretary-General of the International Seabed Authority
(the "Respondent")**

Judgment of the Board relating to the Appeal submitted by the Appellant

Appeal Concerning the Withdrawal of the Letter of Appointment

Introduction

1. The Joint Appeals Board ("JAB/Board") of the International Seabed Authority ("ISA/Authority") is seized of an appeal filed by David Pusztai ("the Appellant") on 4 March 2025 against the decision of the Secretary-General of the ISA ("the Respondent"), dated 2 January 2025, to withdraw a Letter of Appointment (LoA) issued to him on 18 December 2024 by the outgoing/former Secretary-General ("the contested decision").
2. The contested decision withdrew the Appellant's LoA for the position of Legal Officer (Regulatory Affairs) (LO/RA), P-4, effective 1 January 2025, on the grounds that the recruitment process under which the appointment had been made did not comply with the ISA's established staff selection procedures and practices.
3. The Appellant, who had previously served the Authority under a series of temporary appointments until 14 December 2024, contends that his appointment to the fixed-term position was lawfully concluded upon his acceptance of the LoA on 18 December 2024, and that the Respondent's subsequent withdrawal of that appointment was unlawful, arbitrary, and procedurally defective. He seeks, *inter alia*, rescission of the impugned decision, reinstatement to the post, and compensation for pecuniary and non-pecuniary damages.



Procedural Background

4. On 2 April 2024, the ISA advertised a vacancy for the post of LO/RA, at the P-4 level within the Office of Legal Affairs under ISBA/ST/AI/2023/3 (Staff Selection System). The vacancy announcement was later re-advertised on 27 August 2024, with a closing date of 25 September 2024. The Appellant applied for this position.
5. On 2 August 2024, the Assembly of the ISA elected a new Secretary-General (the Respondent), whose term was to commence on 1 January 2025, succeeding the incumbent Secretary-General.
6. On 11 August 2024, the Secretary-General-elect (the Respondent) requested a temporary suspension of recruitment and termination decisions until her assumption of office, emphasizing the importance of continuity and good administrative practice. She further recommended extending contracts approaching expiry for six months to facilitate preparations for meetings planned for March 2025.
7. The Respondent reiterated her concerns on 19 November 2024, formally requesting that all ongoing recruitment processes be paused immediately, citing budgetary constraints, leadership transition, and due process considerations.
8. On 28 November 2024, the Human Resources Officer (HRO) informed the Appellant through Inspira that he had been selected for the position, subject to completion of the standard pre-recruitment formalities, including reference verification and medical clearance.
9. On 13 December 2024, a joint Interoffice Memorandum (IoM) addressed by the Director of the Office of Administrative Services (D/OAS), the Budget and Oversight Officer, the Finance Officer, and the Human Resources Officer to the outgoing Secretary-General expressed concern over the expedited recruitment of ten positions and emphasized the need to respect the authority of the incoming Secretary-General from 1 January 2025.
10. On 17 December 2024, the D/OAS, who held delegated authority to sign offers of appointment, raised concerns regarding the financial implications of new appointments and the propriety of signing such letters at the close of the outgoing Secretary-General's mandate.
11. Notwithstanding these concerns, on 17 December 2024, the Appellant received an LoA for the post of LO/RA on a Fixed-Term Appointment (FTA) commencing on 1 January 2025 and expiring on 31 December 2026.



12. The Appellant accepted and countersigned the LoA on 18 December 2024.
13. On 19 December 2024, the Respondent reiterated her “concerns regarding ongoing recruitment at the International Seabed Authority” formally requesting that “all ongoing recruitment processes (...) be paused immediately”.
14. On 31 December 2024, staff were informed that the ISA offices would remain closed on 1 and 2 January 2025, with work resuming on 3 January 2025.
15. On 1 January 2025, the Respondent formally assumed office.
16. By letter dated 2 January 2025, transmitted to the Appellant on 3 January 2025, the Respondent withdrew the LoA previously issued to the Appellant, citing procedural irregularities in the recruitment process and the need to review staffing commitments in light of the Authority’s financial situation.
17. On 6 January 2025, the Appellant requested administrative review of the contested decision.
18. By letter dated 5 February 2025, the Respondent rejected the request for administrative review, maintaining that the withdrawal decision was lawful and consistent with the Authority’s rules and procedures.

Procedural History

19. On 4 March 2025, the Appellant submitted a Statement of Appeal to the JAB in accordance with Staff Rule 11.2 of the Staff Rules of the ISA challenging the decision to withdraw his appointment.
20. On 7 March 2025, having received no acknowledgment of receipt, the Appellant emailed the JAB Secretariat copying the Officer-in-Charge of the Office of Legal Affairs to express concern over the lack of acknowledgment, which he described as an unfair practice.
21. Later the same day, the JAB Secretariat responded to the Appellant indicating that no email had been received from the Appellant on 4 March 2025 and noted that other appeals submitted during that period had been duly acknowledged, suggesting the omission was unintentional. The Appellant was advised that large file submissions may not display correctly in the system and was invited to upload his appeal and supporting documents via a secured shared drive created by the JAB Secretariat to ensure proper receipt.



22. Also on 7 March 2025, the JAB Secretariat informed the Appellant that the Rules of Procedure of the JAB had been revised as of 4 March 2025 and advised that, should the Appellant wish to submit his appeal under the revised Rules, he could do so by no later than 7 April 2025, as proposed by the Chair of the JAB.
23. On 15 March 2025, the Appellant resubmitted his Statement of Appeal and the JAB Secretariat acknowledged receipt of the submission on the same date.
24. On 17 March 2025, the Chair of the JAB invited the parties to engage in conciliation under Rule 9 of the JAB Rules of Procedure.
25. On 18 March 2025, the Appellant confirmed his willingness to participate in conciliation, subject to conditions concerning the independence of the conciliator, confidentiality, and timeframe.
26. On 21 March 2025, the Appellant informed the Chair of the Board that conciliation efforts had not materialized and requested that the appeal proceed to consideration.
27. On the same date, on 21 March 2025, the Respondent declined conciliation.
28. On 24 March 2025, the JAB Secretariat notified the Respondent of the appeal and invited submission of a reply by 23 April 2025.
29. On 25 March 2025, the Appellant challenged the deadline, arguing it should run from the date the Respondent first received the appeal and raised concerns regarding confidentiality of correspondence via the generic internal justice email.
30. On 28 March 2025, the JAB Secretariat notified the Appellant that his appeal would be heard by the full Board, as it is substantively similar in context and compensation sought to other pending appeals. To ensure consistency and avoid conflicting outcomes, the Chair, pursuant to Rule 28 of the Revised JAB RoP and established international tribunal practices, decided to review them together.
31. On 3 April 2025, the Appellant objected to the review of his appeal by the full Joint Appeals Board, arguing that it conflicted with Staff Rule 11.2(e) requiring a three-member panel, and raised concerns regarding impartiality and potential conflicts of interest.
32. On 16 April 2025, the Appellant submitted a letter noting that the Respondent had not responded to his previous letters regarding the deadline for her reply and the composition of



the Board. He contended that the Respondent was in default and requested that the Board proceed with consideration of his appeal and grant the relief sought, treating his objections to the Board's composition as uncontested.

33. On 23 April 2025, the Respondent submitted her reply to the appeal, which was transmitted to the Appellant on 24 April 2025, inviting comments by 22 May 2025.

34. On 19 May 2025, the Appellant submitted a letter to the Chair of the JAB and requested an extension of the time-limit for submitting comments on the reply, noting that under Rule 17(4) of the Rules of Procedure, the appropriate deadline should be 23 May 2025 and not 21 May 2025.

35. By Order No. 10 dated 20 May 2025, the Chair granted the extension, with a new deadline of 23 May 2025. The Appellant submitted his comments on that date.

36. On 23 May 2025, the Appellant requested the disclosure of correspondence and documents relied upon by the Respondent in her reply, including communications with the former Secretary-General and senior officials concerning recruitment processes. He stated that such disclosure was necessary to ensure equality of arms.

37. On the same date, the JAB invited the Respondent to submit any additional comments on the Appellant's submission by 7 July 2025. The Respondent submitted her comments on that date.

38. On 21 July 2025, the Appellant submitted a letter raising objections of conflict of interest, specifically requesting the recusal of a member of the Board, and the disqualification of one of the Respondent's representatives. The Appellant alleged that statements made by the Board member during the ISA Council's deliberations on 17 July 2025 demonstrated support for the Respondent in matters relevant to his appeal, creating an appearance of bias.

39. On 29 July 2025, the Appellant submitted a further communication to the Board, described as factual developments relevant to the remedy sought in his appeal relating to alleged restructuring of the position and his updated claims for compensation. The submission was transmitted to the Respondent the same day, with an invitation of comments by 15 August 2025.

40. On 31 July 2025, the Appellant submitted a further application for the immediate disqualification of the same Board member. In response, the Board member clarified that their



remarks were made in their capacity as Head of Delegation of their Country, addressing the Finance Committee Report of the Authority during the July 2025 session, and did not concern the Appellant's appeal or related appointments. They emphasized that expressions of support for institutional work are standard in diplomatic proceedings.

41. On 15 August 2025, the Respondent filed her comments on the Appellant's submission on factual developments, contending that the Appellant's references to "factual developments" were misleading and introduced no new facts. She argued that the Appellant sought to amend his requested relief by asserting revised compensation claims unsupported by evidence and inconsistent with his post-separation status and maintained that he had not demonstrated a causal link between the contested decision and the alleged material or moral damages.

42. By Order No. 12 (2025), dated 19 August 2025, the Chair of the Board rejected the Appellant's requests for disqualification of the Board member and the Respondent's representative, concluding that no objectively verifiable conflict of interest or bias existed.

43. The full text of Order No. 12 is as follows:

Order No. 12 (2025)
Order on Request for Disqualification of a Board Member

Procedural background

1. On 4 March 2025, the Appellant submitted a Statement of Appeal before the Joint Appeals Board (the "JAB/Board") in accordance with Staff Rule 11.2 of the Staff Rules of the International Seabed Authority (the "ISA/Authority"). Following the entry into force of the Revised Rules of Procedure (the "RoP") on the same date, the Appellant resubmitted his appeal on 15 March 2025, which the JAB Secretariat duly acknowledged.
2. On 28 March 2025, the JAB Secretariat informed the Appellant that his appeals would be heard by the full Joint Appeals Board.
3. On 3 April 2025, the Appellant submitted a letter to the Board and the Respondent objecting to the referral of his appeal to the "full Board" under the Revised RoP. He argued that this arrangement was contrary to Staff Rule 11.2(e), raised concerns regarding the reconstitution of the Board in January 2025, and questioned the impartiality of members appointed thereafter.



4. On 21 July 2025, the Appellant submitted a letter to the Board and the Respondent raising objections of conflict of interest, specifically requesting the recusal of [a member of the Board] and the disqualification of one of the Respondent's representatives.

5. In his letter of 21 July 2025, the Appellant argued that the continued participation of the [Board member] gave rise to a conflict of interest, on the grounds that [their] prior statements during the Council's deliberations demonstrated support for the Secretary-General (the "Respondent") in matters directly connected to his appeal. The Appellant accordingly requested [their] recusal from the Board's consideration of his case and raised similar concerns regarding the participation of one of the Respondent's representatives.

6. On 31 July 2025, the Appellant submitted an application for the immediate disqualification of the [Board member], further to his letter of 21 July 2025. The application was based on remarks made by the [Board member] during the Council's deliberations on 17 July 2025, which the Appellant argued created an appearance of partiality in favour of the Secretary-General.

7. The Application alleges that the [Board member], during the Council's meeting discussion of the Finance Committee Report on 17 July 2025, expressed "full support" for the Secretary-General of the ISA in a context involving human resources matters relevant to the Appellant's appeal. The Appellant submits that such remarks create an appearance of bias and impair [their] ability to act impartially.

8. The Appellant notes that the [Board member] has not responded to his letter of 21 July 2025, and that neither [they] nor the Respondent has contested the factual substance of the statement as alleged.

9. In response to the Board, the [Board member] clarified that [their] intervention was delivered in [their] capacity as Head of Delegation of [their Country], was part of a broader statement supporting the Chair of the Finance Committee, thanking for the report, and addressing the report's contents. [They] stated that [they] did not focus on appointments or matters related to the appeal and that expressions of support for institutional work are standard in diplomatic proceedings.

10. Pursuant to Rule 26.1 of the Revised RoP, the decision on recusal requests rests with the Chair of the Board. Consistent with jurisprudence, including para. 32 of Aysha Al-Rifai 2022-UNAT-1240, such decisions are to be rendered separately and prior to any ruling on the merits.



Applicable Legal Framework

11. Rule 26(4) of the JAB RoP defines conflict of interest as “any factor that may impair or reasonably give the appearance of impairing the ability to decide independently and impartially on an appeal.” A member with a conflict shall recuse themselves, failing which the Chair may decide on disqualification. This requirement of impartiality is in accordance with the UNAT rulings to preclude bias and retain the principle of impartiality (See Al-Rifai 2022-UNAT-1240, para. 28).

12. It is a well-established principle that adjudicators must withdraw from a matter where impartiality may reasonably be questioned (Varnet v. UNESCO, ILOAT Judgment No. 179; Finnis 2014-UNAT-397, para. 22; Savadogo 2016-UNAT-642, para. 48). The test is whether “a fair-minded and informed observer, having considered the facts, would conclude that there is a real possibility of bias” (Masri 2016-UNAT-626, para. 21).

Analysis

13. The core issue is whether the [Board member’s] expression of “full support” to the Secretary-General, in the context of a Council meeting, would lead a reasonable and informed observer to conclude that there is a real possibility of bias in adjudicating the Appellant’s appeal.

14. It is undisputed that the statement in question was made while the [Board member] was acting as [their Country’s] Head of Delegation, speaking on behalf of [their] government during formal Council deliberations. Such interventions are part of the diplomatic function of national representatives.

15. There is nothing in the applicable framework that prohibits an active diplomat from being appointed in their personal capacity, from serving as a JAB member, provided they can act independently and impartially. The decision to appoint such individuals is a policy matter beyond the JAB’s mandate to review.

16. The Appellant’s allegation of bias is based solely on the cited generic phrase of “full support” and does not point to any conduct by the [Board member] in [their] role as a JAB member that would indicate personal prejudice or predisposition in this case.

17. In an overturned case, involving a judge who “has erred previously” even in the same case, the UNAT ruled that it was “not alone a ground to disqualify that same judge from deciding other issues in or the remainder of the case” (See Nigam 2024-UNAT-1446, para. 19).



18. Furthermore, the [Board member], who was elected by the staff before the recomposition of the Board in 2025, explained that [their] remarks were part of a longer statement covering procedural and substantive points unrelated to the Appellant's case and did not address personnel appointments at issue in the appeal.

19. The impartiality of all JAB members is presumed unless proven otherwise. On the evidence before the Chair, there is no objective basis to conclude that the [Board member's] ability to decide the appeal independently and impartially is impaired, or that there is a reasonable appearance of such impairment.

20. Having considered the Appellant's submissions, the Board member's clarification, and the applicable legal standards, the Chair finds that the circumstances do not meet the threshold for disqualification under Rule 26(4). The JAB retains its jurisdiction to hear and decide the Appellant's appeal with its current composition.

21. The Appellant further submits that the transition of a former Secretary of the JAB to the position of representative for the Secretary-General gives rise to a conflict of interest and thereby undermines the integrity of the present proceedings.

22. The Chair recalls, however, that there is no provision prohibiting a former staff member of the JAB Secretariat from subsequently serving in other functions within the Organization, including as representative of the Secretary-General, provided that the duty of confidentiality with respect to matters dealt with in their previous role is strictly maintained.

23. It must also be underscored that the Secretary of the JAB acts solely in an administrative capacity, facilitating the Board's work. The Secretary does not participate in deliberations in a voting capacity, nor do they hold decision-making authority with respect to appeals. Both procedural and substantive determinations fall exclusively within the competence of the adjudicating members of the Board.

24. Furthermore, following the reconstitution of the JAB, the former Secretary no longer holds any role in its work. The Board is assisted exclusively by its current Secretary, the sole member of the JAB Secretariat, who was already in post at the time the present appeal was filed on 4 March 2025. This continuity preserves the integrity of the Secretariat's functions and safeguards the independence of the Board in the present proceedings.



ORDER

25. For the aforementioned reasons,

(a) the Appellant's request for disqualification of a Board member is REJECTED;
and

(b) the Appellant's request for an order directing the Secretary-General to disinstruct a staff member as her party representative is DISMISSED.

26. The Appellant's remaining submissions, including his letter of 3 April 2025, will be addressed in the final judgment in the case of David Pusztai v. Secretary-General of the ISA.

Order dated 19th day of August 2025

44. On 27 August 2025, the Appellant requested disclosure of communications from the contested Board member to the Board. The JAB Secretariat transmitted this submission to the Respondent for comments. The Respondent opposed the request, emphasizing the confidentiality of internal Board communications and the conclusiveness of Order No. 12 (2025).

45. By Order No. 18 (2025), dated 29 September 2025, the Chair of the Board rejected the Appellant's request for disclosure, reaffirmed that Order No. 12 (2025) had conclusively disposed of the matter of disqualification, and cautioned the Appellant against submitting further motions on matters already adjudicated, noting that repetitive or unsubstantiated submissions may constitute an abuse of process.

46. The full text of Order No. 18 is as follows:

Order No. 18 (2025)

Order on Request for Disclosure of Communications

Procedural background

1. The Appellant is a former Legal Officer at the P-4 level who served under several Temporary Appointments ("TA") at the International Seabed Authority ("ISA/Authority"). His last TA expired on 14 December 2024.

2. By letters dated 21 and 31 July 2025, the Appellant submitted two requests for the disqualification of a member of the Joint Appeals Board ("JAB") elected by the Staff of the ISA.

3. By Order No. 12 (2025), dated 19 August 2025, the Chair of the JAB rejected the Appellant's requests for disqualification.



4. The present Order concerns the Appellant's submission of 27 August 2025, by which he requested disclosure of communications from the contested Board Member to the Board, as referenced in paragraphs 9 and 18 of Order No. 12 (2025).

5. The JAB Secretariat transmitted this submission to the Respondent, inviting comments by 18 September 2025. The Respondent filed observations, opposing the request, within the prescribed deadline.

Submission of the Parties

6. The Appellant argues that the undisclosed communications undermine his right to be heard and should be disclosed in order to interrogate their contents and, if necessary, request reconsideration of Order No. 12 (2025). He further maintains that the continued participation of the contested Board Member in the deliberations constitutes, in itself, a ground for annulment.

7. The Respondent submits that the request is baseless, non-receivable, and an abuse of process. The Respondent emphasizes that Order No. 12 (2025) conclusively resolved the disqualification issue, that internal communications among Board Members are confidential, and that repeated unsolicited submissions jeopardize the integrity of the proceedings.

Considerations

8. Rule 26 of the JAB Rules of Procedure entrusts the Chair with deciding requests for disqualification of a Board Member. The Rules do not provide for disclosure of internal communications between Board Members to the parties. Such communications form part of the confidential deliberative process and litigants cannot compel their disclosure.

9. Order No. 12 (2025) has conclusively determined the Appellant's requests for disqualification. The Appellant has presented no new evidence or decisive facts that would justify revisiting that determination.

10. Attempts to reopen issues conclusively decided or to re-litigate previously rejected arguments without new grounds, have been deemed abusive by UNAT (see *Nouinou*, Order 348 (2019)). Submissions impugning the honesty and integrity of a Board member without substantiation have likewise been characterized as "derogatory, baseless and abusive" (*Nouinou*, Order 353 (2019)).

11. UNAT has found manifest abuse of proceedings in various circumstances (see *Ishak* 2011-UNAT-152, para. 30; *Mezoui* 2012-UNAT-220, para. 49; *Balogun* 2012-UNAT-220, paras. 33-34; *Gehr* 2013-UNAT-328, para. 25; *Chaaban* 2016-UNAT-611, paras. 24-26; *Faye* 2016-UNAT-657, paras. 44-



45). The filing of repetitive motions that waste resources has likewise been deemed abusive (*Terragnolo* 2015-UNAT-566).

12. Moreover, under the practice of international tribunals, where a party has manifestly abused the proceedings, costs may be awarded, particularly after fair warning (*Auda* 2017- UNAT-740, para. 28; *Mbok* 2018-UNAT-824, para. 47; *Mohammad* 2024-UNAT-1421, para. 62; *Zaqqout* 2022-UNAT-2019, para. 59).

13. The right to access justice, while fundamental, must be exercised reasonably and in good faith. The Appellant is hereby cautioned against the filing of repetitive or unsubstantiated submissions, as such conduct has the effect of delaying the adjudication of his case and imposing an undue burden on the Board. Should this practice persist, it may properly be characterized as an abuse of process.

14. The present request for disclosure of communication is therefore dismissed.

Order

15. For the foregoing reasons, the Chair of the Joint Appeals Board:

- (a) **REJECTS** the Appellant's request for disclosure of communications by a Board Member;
- (b) **RECALLS** that Order No. 12 (2025) has conclusively disposed of the matter of disqualification.
- (c) **DIRECTS** that the Appellant shall refrain from submitting further motions on issues already adjudicated, or from filing unsolicited submissions, without prior leave of the Board, in order to prevent abuse of process and to safeguard the integrity of proceedings.

Order dated this 29th day of September 2025

Summary of the Appeal

47. The Appellant challenges the administrative decision dated 2 January 2025, by which the Respondent withdrew the LoA issued to him on 17 December 2024 for the post of Legal Officer (Regulatory Affairs), P-4. He contends that the contested decision was unlawful, as it purported to terminate a mutually binding employment contract already formed between himself and the Authority, thereby violating the principle of *pacta sunt servanda*.

48. The Appellant submits that a valid contract of employment came into effect on 1 January 2025, following his acceptance and countersignature of the LoA. He maintains that the LoA and subsequent communications from the ISA constituted the terms of his appointment,



and that his acceptance was unconditional and in full compliance with all pre-recruitment requirements.

49. The Appellant argues that the unilateral withdrawal of the LoA after its acceptance was contrary to the principles of international administrative law and contract law, and that the Authority failed to demonstrate any lawful basis for the measure.

50. The Appellant further alleges that the contested decision was procedurally flawed, lacking adequate justification, transparency, and consultation. He asserts that, on the day of the decision, the Officer-in-Charge of the Office of Legal Affairs instructed him to perform work-related tasks, which, in his view, confirmed that his appointment had already taken effect.

51. The Appellant also claims that the contested decision was taken in breach of due process and caused both material and moral harm.

52. In addition, the Appellant requested the disclosure of all correspondence and documentation relied upon by the Respondent in concluding that a “thorough review” of his recruitment process had been conducted prior to the withdrawal of his appointment.

Relief Requested

53. The Appellant seeks the following remedies:

- (a) The rescission of the contested decision and his reinstatement as a staff member of the Authority;
- (b) In the alternative, compensation in lieu of rescission in the amount of USD250,998 for loss of income;
- (c) Dependency allowance for the relevant period; and,
- (d) Compensation for moral damages in the amount of USD25,000.

Summary of the Respondent’s Reply

54. In her reply dated 22 April 2025, the Respondent submits that the Appellant was not employed by the ISA after the expiration of his TA on 14 December 2024 and lacks legal standing to contest the withdrawal of his LoA. As such, the Respondent argues that the appeal is not receivable *ratione personae*.



55. On the merits, the Respondent argues that the decision to appoint the Appellant was unlawful as it was tainted by procedural irregularities.

56. The Respondent notes that the LoA was issued weeks before the effective date of the alleged appointment and signed by the outgoing Secretary-General instead of the D/OAS who had previously raised concerns about recruitments. Furthermore, the outgoing Secretary-General signed the LoA and had it circulated by the Staff Assistant to the former Chief of Staff and Head of the Strategic Planning Unit rather than personnel of the ISA's Human Resources Unit.

57. She submits that the LoA was void *ab initio* because the signing Authority “undertook a prolonged effort to obstruct the transition of leadership to his successor” despite her requests to postpone all recruitments.

58. The Respondent further submits that the LoA was issued *ultra vires* and the Appellant's contractual relationship with the ISA is void *in initio*. Therefore, the Respondent acted lawfully by taking appropriate action by correcting the unlawful LoA.

Applicant's Comments on the Respondent's Reply

59. In his comments on the Respondent's reply dated 23 May, the Appellant argues that:

“[his claim] represents an institutionally schizophrenic state of affairs, where an international organization's representative and chief administrative officer is contesting, legally speaking, that representative's own actions; and then seeks to evade responsibility before this Board on this basis. The Secretary-General's dispute with the Secretary-General is, however, not the Appellant's business. Nor can it undermine the Appellant's rights.”

60. He reiterated and added in the same comments that his rights cannot be denied due to internal disagreements within the Secretariat.

61. Contrary to the Respondent's allegations, the Appellant further reiterates that his recruitment process did not suffer irregularities.

62. He outlines that he is a qualified and experienced jurist unanimously selected out of 163 candidates by a selection panel, in November 2024, for a position created and budgeted by the Assembly of the Authority.



63. Additionally, the Appellant submits that the Respondent failed to submit her reply within the time limit set by ISA rules. Accordingly, the JAB should decide on the matter without considering the reply and its annexes.

Respondent's Further Comments

64. In her additional comments on the Appellant's response dated 23 May 2025, the Respondent maintains that since the Appellant is neither a current nor a former ISA staff member, the Appeal should be rejected *ratione personae*.

65. The Respondent reiterates that the Appellant had no valid contract with the Organization and had not travelled to the duty station located in Kingston, Jamaica.

66. She further reiterates that "[t]he Appellant's disagreement with the Secretary-General's method of addressing the administrative quagmire inherited from the former Secretary-General does not render the decision in question unlawful".

Considerations of the JAB

Preliminary Matter: Disqualification of the Full Board

67. By letter dated 28 March 2025, the JAB Secretariat informed the Appellant that his appeal would be heard by the full Board. The letter explained that, upon preliminary review, the appeal raised issues substantively similar to other appeals currently pending before the JAB, particularly regarding the context and nature of the compensation sought. In order to ensure consistency in decision-making and to avoid potential conflicting outcomes, the Chair of the JAB, acting in accordance with Rule 28 of the Revised Rules of Procedure of the JAB and established practices of other international tribunals, determined that the appeal should be considered by the full Board.

68. On 3 April 2025, the Appellant submitted a request for the disqualification of the full Board. In his submission, the Appellant challenged the constitution of the full Board on several grounds: (i) that Staff Rule 11.2(e) prescribes resolution of appeals by three-member panels, and therefore referral of the appeal to the full Board represents a procedural irregularity; (ii) that the reshuffling of the JAB in January 2025, after the submission of the Appellant's request for suspension of action on 7 January 2025, was unlawful, rendering all newly appointed members susceptible to a conflict of interest; (iii) that the Appellant's appeal directly challenges the legality of the appointment of the new Board members, creating a potential conflict of



interest for members appointed after 7 January 2025; and (iv) that the Chair of the Board, having been involved in an unsuccessful conciliation attempt, is precluded from participating in the resolution of the appeal pursuant to Staff Rule 11.2(e). The Appellant further expressed a willingness to submit the appeal to the United Nations Appeals Tribunal (UNAT) as an alternative, to ensure impartial and efficient resolution.

69. The Board observes that requests for disqualification constitute preliminary matters and must be addressed before consideration of the merits. In assessing such requests, the Board applies the principles of impartiality and independence, taking into account both actual bias and the appearance of bias, while balancing the interest of efficient administration of justice.

70. The Board notes that, in the present case, the appeal is being considered by the full composition of the Board. This approach reflects both the significance of the issues under review and the Board's concern to ensure collective responsibility in its determinations.

71. With respect to the procedural objection concerning Staff Rule 11.2(e) and the constitution of the Board, the Board notes that, while Staff Rule 11.2(e)(i) provides that appeals are ordinarily to be heard by a three-member Panel, this Rule must be read together with Staff Rule 11.1(e), which authorizes the Board to establish its own Rules of Procedure. Pursuant to this authority, Rule 28 of the Revised Rules of Procedure expressly provides that, when the Chair, or any two members sitting on a particular Panel, consider that the appeal so warrants, the case shall be heard by the full Board. This framework is consistent with the Staff Rules, which do not preclude the hearing of cases by the full Board.

72. With respect to the allegation of a conflict of interest arising from the reshuffling of Board members in January 2025, the Board observes that no objective evidence on the record demonstrates that any member appointed after that date has a direct personal or financial interest in the outcome of this appeal. While the Appellant raises concerns regarding the legality of the appointment of these members, the Board is satisfied that these concerns do not, on their own, disqualify the members from participating in the appeal.

73. Concerning the specific objection to the involvement of the Chair, arising from her prior participation in conciliation efforts, the Board finds that such participation, limited to facilitating discussion between the parties, does not constitute prior involvement in the merits of the appeal. Accordingly, the Chair remains eligible to participate in the resolution of the appeal.



74. In the absence of any objectively demonstrable bias or conflict of interest, the Board concludes that the full Board is properly constituted to hear the appeal. The Appellant's request for disqualification of all members of the Board, including the Chair, is therefore rejected.

Preliminary Matter: Full Board Composition Justification

75. The Board recalls that, in the present case, the judgment was deliberated upon and adopted by the full composition of the Joint Appeals Board. This approach reflects both the significance of the issues under review and the Board's concern of ensuring collective responsibility in its determinations.

76. In the present circumstances, the pending appeals share significant similarities, both in their factual context and in the nature of the remedies sought. Referring these cases to the full Board avoids the risk of divergent conclusions by different Panels and promotes consistency, coherence, and procedural efficiency. Moreover, the practice of referring complex or precedent-setting cases to a full bench is well established in other international administrative tribunals, reinforcing the legitimacy of this approach. Accordingly, the referral of the Appellant's case to the full Board was justified and fully in line with the applicable Staff Rules and the Revised RoP.

Preliminary Matter: Requests for Disclosure of correspondence

77. On 23 May 2025, the Appellant requested disclosure of all correspondence relied upon by the Respondent in her reply to his appeal of 4 March 2025, including any emails or written communications between the former Secretary-General, the Respondent and other senior officials concerning ongoing recruitment procedures. He contended that such disclosure was necessary to ensure equality of arms and requested that the documents be provided by 30 May 2025.

78. The Appellant maintained that the Respondent's reply referred to or was based on undisclosed communications and that, without access to those materials, he could not meaningfully exercise his right to be heard.

79. The Board notes that the Respondent has provided comprehensive submissions and annexes supporting the contested decision. The Appellant has had the opportunity to comment on all material relied upon, and there is no indication that any undisclosed document would materially affect the legal or factual issues under review.



80. In accordance with established principles of procedural fairness and proportionality, the Board finds that additional disclosure is not warranted in this case, as the Appellant has already had full access to the materials necessary to contest the decision effectively.

81. Accordingly, the Board denies the Appellant's requests for additional disclosure.

Preliminary Matter: Request for an Oral Hearing

82. The Appellant requested that the Board hold an oral hearing, submitting that the issues raised in the appeal warranted such proceedings.

83. The Board recalls that, pursuant to rule 29 of its Revised RoP, an oral hearing may be convened where the Board considers it necessary for the fair and expeditious disposal of the case, or where the interests of justice so require. The conduct of oral proceedings remains a matter within the discretion of the Board.

84. In the present case, the appeal concerns a legal and procedural dispute arising from the withdrawal of an LoA. The record before the Board contains comprehensive documentary evidence, including the contested LoA, the Respondent's reply, and the Appellant's comments. These materials provide sufficient basis for the Board to assess the legality, procedural compliance, and reasonableness of the administrative decision.

85. The Board observes that the appeal does not raise issues requiring the examination of complex factual evidence or witness testimony that would necessitate an oral hearing. The procedural history further indicates that the Appellant has had multiple opportunities to submit written pleadings and supporting documentation, and the Respondent has filed detailed written responses.

86. In these circumstances, the Board finds that an oral hearing is not necessary for the fair and expeditious determination of the matter. Accordingly, the Appellant's request for an oral hearing is dismissed.

Issues for Determination

87. The JAB is called upon to determine the following issues:

- i. Whether the appeal is receivable;



- ii. Whether the Respondent’s decision of 2 January 2025 withdrawing the LoA was lawful and properly reasoned, in accordance with the Staff Rules and Regulations of the Authority;
- iii. Whether the contested decision respected the Appellant’s rights to due process and legitimate expectation; and
- iv. Whether the Appellant is entitled to any of the remedies sought, including rescission, reinstatement, or compensation for material and moral damages.

Scope of the Board’s Mandate and Inherent Power to Award Compensation

88. Before turning to the main issues under consideration, the Board recalls that its consideration of appeals is undertaken pursuant to Staff Rule 11.1(e) and the Revised RoP of the JAB, effective March 2025. Under this framework, the Board plays a key role in ensuring the fair and consistent application of the Staff Regulations and Rules of the Authority and in providing an impartial mechanism for the settlement of employment-related disputes.

89. Rule 32 of the Revised RoP provides that the Board “shall consider and decide the appeal.” The use of the term “decide” reflects the Board’s conclusive authority to determine matters properly before it and, where appropriate, to pronounce upon remedies in accordance with applicable rules and principles of international administrative law.

90. Accordingly, the Board affirms that, in the exercise of its adjudicative functions, it retains an inherent power to award compensation where necessary to achieve justice and give full effect to its determinations. This authority flows naturally from the Board’s mandate to ensure effective redress, protect legitimate expectations, and uphold the principles of good administration, even where such powers are not explicitly enumerated in the Revised RoP.

91. However, the Board notes that, as the Staff Rules and the Revised RoP do not expressly confer the power to award monetary compensation, such authority must be exercised with limitations and in accordance with the standards developed by international administrative tribunals. In line with UNAT and United Nations Dispute Tribunal (UNDT) jurisprudence any award of compensation must be justified by a proven breach of the staff member’s rights. The Board therefore does not exercise unlimited power but acts within the limits of reasonableness, proportionality, and established legal standards.



92. In exercising this remedial power, the Board is guided by the principle of proportionality, ensuring that any compensation granted corresponds to the extent of harm established, while also reflecting the overall financial and organizational context of the Authority. In the present case, the Board has taken note of the Authority’s transitional staffing and budgetary circumstances, as evidenced in the IoM of 13 December 2024 and the Biennial Budget Performance Report of 16 December 2024, when assessing the appropriate quantum of compensation.

93. The Board will now proceed to apply this framework to the issues raised by the parties, including receivability, legality, due process, legitimate expectation, and remedy.

Receivability of the appeal

94. In determining the receivability of the present appeal, the Board must be satisfied that the Appellant has standing to bring the matter before it (*Fakhouri* 2025-UNAT-1577, para. 465). Under Staff Rule 11.2(a), only staff members may initiate an appeal; however, consistent with established jurisprudence of the UNAT, this right extends to individuals whose contractual or administrative relationship with the Organization gives rise to a direct legal interest in the contested decision. In *di Giacomo* 2012-UNAT-249, para. 20, the UNAT “has recognized that access to the new system of administration of justice could be extended to a person who is not formally a staff member, but who could legitimately be entitled to rights similar to those of a staff member.” (See also *Gabaldon* 2011-UNAT-120, paras. 29-30).

95. The Appellant previously served the Authority under a series of temporary appointments, the last of which expired on 14 December 2024. On 17 December 2024, an LoA for an FTA was issued to him, which he duly accepted and countersigned on 18 December 2024. The contested decision withdrawing this LoA was subsequently issued on 2 January 2025.

96. The full text of the contested decision refers to “procedural irregularities” in the recruitment, “fiscal responsibility,” and “efficiency” as the reasons for withdrawing the LoA that had been issued and accepted. It is as follows:

Dear [Appellant],

I am writing to you regarding the letter of appointment with effective date of 1 January 2025 for the position of Legal Officer (Regulatory Affairs P4), which was issued to you by the former Secretary-General.



Upon a thorough review of our recruitment processes, it has come to our attention that the selection process for this position did not adhere to the established staff selection system and practices. Furthermore, in alignment with our ongoing commitment to fiscal responsibility and efficiency, as well as ISA's human resource objectives for 2025, we must carefully assess our staffing commitments in light of the current financial situation.

In light of these considerations, I regret to inform you that we are unable to proceed with the completion of the onboarding procedures for this position. As such, the letter of appointment previously issued to you by the former Secretary-General is hereby withdrawn.

Please rest assured that this decision is based solely on organizational and financial considerations and in no way reflects upon your qualifications or suitability for the role. Additionally, should the position be re-advertised in the future, you will automatically be shortlisted without the need to reapply.

We sincerely appreciate your interest in the ISA and encourage you to consider applying for other opportunities with us.

Should you have any comments or concerns, please do not hesitate to contact our Human Resources Office within 10 calendar days.

I sincerely regret any inconvenience this decision may cause and greatly appreciate your understanding.

Yours sincerely,

(signed)

Secretary-General

INTERNATIONAL SEABED AUTHORITY

97. The Respondent contends that, because the Appellant's temporary appointment had expired prior to the date of the contested decision and he had not yet entered into service under the new LoA, he was not a staff member at the material time and therefore lacks standing *ratione personae*.

98. The Board recalls, however, that the scope of receivability under Staff Rule 11.2 must be interpreted in light of the purpose of the internal justice mechanism, namely, to safeguard the rights of individuals whose contractual or administrative relationship with the Organization is directly affected by an administrative decision. The UNAT has consistently held that an individual who has accepted a duly signed offer of appointment possesses sufficient legal interest to challenge its subsequent withdrawal (See *Gabaldon* 2011-UNAT-120, para. 28).



99. Applying those principles, the Board finds that the Appellant, by virtue of his acceptance of the LoA on 18 December 2024, had established a legally cognizable relationship with the Authority. The withdrawal of that LoA directly affected his prospective employment rights and therefore constitutes an administrative decision within the meaning of Staff Rule 11.2.

100. Accordingly, the Board concludes that the appeal is receivable *ratione personae* and *ratione materiae*.

Merits of the Appeal

Distinction between Legal Validity and Policy Convenience

101. The first issue concerns whether the Respondent's decision constituted an unlawful rescission of a valid appointment or a lawful withdrawal justified by organizational necessity and fiscal prudence.

102. The Appellant maintains that the decision was based on policy considerations rather than legality and therefore lacked a lawful foundation. He points out that the Respondent's own *Aide-Mémoire* of 2 January 2025 described the recruitments made under her predecessor as "procedurally compliant," indicating that no rule had been violated.

103. The Respondent, by contrast, submits that the withdrawal was a lawful administrative act, taken under Staff Regulation 4.5, which grants the Secretary-General full discretion over staff appointments and their withdrawal, especially when organizational needs or financial conditions so require.

104. The JAB recalls that it is "not conducting a merit-based review, but a judicial review. Judicial review is more concerned with examining how the decision-maker reached the impugned decision and not the merits of the decision-maker's decision" (*Sanwidi* 2010-UNAT-084, para. 42).

105. A decision may be annulled if it is unlawful, procedurally defective, or manifestly unreasonable, but not merely because a different policy might have been preferable.

106. This limitation has been repeatedly affirmed in international jurisprudence. *Andronov* United Nations Administrative Tribunal Judgment No. 1157, (2003) held that judicial review is confined to the legality, not the advisability, of administrative decisions; *Sanwidi* 2010-



UNAT-084, para. 42 emphasized that tribunals must not substitute their judgment for that of the administration unless there is illegality, procedural irregularity, or manifest unreasonableness. *Wasserstrom* UNAT 2011-107 confirmed that tribunals cannot review the “merits” or “wisdom” of managerial decisions; *Webster* UNAT-2020-983 reiterated that the ISA’s JAB is limited to assessing legality and procedural regularity.

107. The distinction between revocation (of lawful acts for reasons of convenience), producing *ex nunc* effects, and annulment (of unlawful acts for reasons of legality), producing *ex tunc* effects, is also fundamental. Once an appointment has been notified and accepted, it creates legitimate expectations protected under the principle of legal certainty. The administration’s power to revoke such an act is therefore restricted and must be justified by an overriding public interest, with appropriate compensation where individual reliance has occurred.

108. The Board accepts that fiscal responsibility and budgetary control fall squarely within the Respondent’s managerial discretion and constitute legitimate grounds for revisiting pending appointments. A decision motivated by fiscal necessity and organizational realignment is, in principle, reasonable and lawful, provided it is not arbitrary or tainted by improper motive.

109. The fact that the Respondent decided to withdraw the LoA due to, *inter alia*, “procedural irregularities”, but later acknowledged the recruitment to have been “procedurally compliant” does not, in itself, render the decision unlawful. The apparent inconsistency between deciding withdrawal and acknowledging procedural compliance is explained by the distinct basis of the decision: it was not the legality of the recruitment process that motivated the action, but the financial and structural implications of proceeding with the appointment. Accordingly, this inconsistency is inconsequential to the legal outcome.

Transitional Context and Managerial Discretion

110. The Board notes that the decision occurred in the context of a leadership transition, during which the Respondent sought to assess staffing commitments against the Authority’s budgetary situation and strategic direction. Transitional phases of leadership naturally involve policy adjustments, and such review is not inherently unlawful when exercised transparently and in the interest of the organization.

111. As the UNAT observed in *Sanwidi* 2010-UNAT-084, para. 42, managerial discretion must be afforded deference unless there is evidence of illegality, procedural irregularity, or



manifest unreasonableness. The exercise of discretion in this case was grounded in the IoM of 13 December 2024 and financial constraints (as evidenced by the Biennial Budget Performance Report of 16 December 2024 reporting a shortfall of USD460,000) and the legitimate need to re-evaluate staffing levels.

112. The full text of the IoM is as follows:

INTEROFFICE MEMORANDUM

TO: [Former Secretary-General]

From: As signed

Date: 13 December 2024

SUBJECT: Concerns over the recruitments

1. Meetings were called by the Director of the Office for Administrative Services on 11, 12 and 13 December, to include relevant heads of units on 12 December 2024, to discuss the Administrative, Human Resources, financial and budgetary implications of the ongoing recruitments for the year 2024 & 2025.

2. We (participants of the meeting as signed to this Memo) note with serious concern over the decision of the Secretary-General to expedite the recruitment of 10 positions (20 per cent of the Organization's workforce, and 30 per cent of international professional staff) within the remaining weeks of 2024. The approach taken raises significant issues for the Organization, including deviations from established recruitment process and practices, potential compromises in the quality of recruitment outcomes, and undue pressure placed on the Human Resources Officer and other supporting staff, who have been working excessively, including all weekends and nights from October 2024, under immense stress to meet unrealistic deadlines.

3. It is recalled that the Assembly authorized transfers within sections, subsections, and programmes up to 15%. Based on the most recent budget projections, the maximum transfer from sections 3 and 4 is US\$97K. However, this transfer does not reduce the overall over-expenditure on section 1 (General Administrative Fund), even with the potential savings in the overall budget and reversal from the ISA Cost Recovery fund. Importantly, the Assembly did not authorize using balances from the Enterprise budget to cover ISA account over-



expenditures. Auditors may comment on and potentially qualify their opinion regarding these transfers.

4. Sending Letters of Offer in 2024 raises concerns under IPSAS, particularly IPSAS 19 (Provisions) and IPSAS 1 (Financial Statements). Under accrual accounting principles, liabilities and expenses must be recognized in the period they are incurred. Issuing such letters in 2024 might be considered as commitments for the same year. The current level of expenditure of the 2023-2024 budget does not give space for additional commitment in the budgetary process, leading to improper forward recognition of obligations. This could result in financial misstatements and undermine transparency and accountability.

5. As per Financial Regulation 3.10, the Secretary-General may enter commitments for future periods only in special circumstances. Positions approved for 2025 do not fall under such provisions. Therefore, Letters of Offer for employment in 2025 should not be issued in 2024. Auditors may also comment on this issue and potentially qualify their opinion if liabilities for future periods are improperly recognized. Finally, the finance budget and IPSAS is to be taken into account as transparent and pure technical from administrative perspective.

6. While without any intention of undermining the authority of the current Secretary-General until 31 December 2024, we have to keep in mind and highlight the importance of equally respecting and not undermining the authority of the incoming Secretary-General from 1 January 2025, including her prerogative to re-structure the Secretariat in accordance with her strategic priorities. This aligns with the precedent set when you undertook a similar restructuring upon assuming office in 2017. Proceeding with significant recruitments in less than one month prior to the incoming Secretary-General assumes her role from 1 January 2025, risks pre-empting her discretion and creating avoidable legal, operational, and financial complications and eventually undermining her authority to implement the mandate of the Organization within the approved budget.

7. Given these serious and careful discussions and considerations, keeping in mind the best interest of the Organization, we unanimously and firmly recommend the Secretary-General hold, from 13 December 2024, all pending and ongoing recruitment processes, as well as any associated travel and ticketing arrangements. This prudent measure ensures that the incoming Secretary-General can review the ongoing recruitments and determine the best course of action in line with her vision for the Organization.



8. In conclusion, this internal memorandum is presented strictly from a technical and professional perspective by the senior officers of the Office for Administrative Services. We strongly believe the recommendation above is made to safeguard the Organization's financial and operational integrity, ensure compliance with established rules and regulations, and support the incoming Secretary-General to fulfil the mandate of the Organization and set her strategic directions.

9. It is important to emphasize that this memorandum is not intended as an act of insubordination but rather as a constructive and prudent measure in the best interest of the Organization. We trust that the recommendation above will be understood in the professional and technical spirit in which they are presented, and we respectfully expect that no retaliation or misinterpretation will arise from this submission.

113. The Board therefore finds that the Respondent's decision was reasonable, proportionate, and made in good faith. There is no evidence that the decision was motivated by bias, arbitrariness, or ulterior purpose.

Binding Nature of the Letter of Appointment

114. ISA Staff Rule 4.1 provides that "the letter of appointment granted to every staff member contains expressly or by reference all the terms and conditions of employment." Under Staff Regulation 4.5, the Secretary-General holds the authority to appoint staff, but this authority must be exercised consistently with the rules and principles governing administrative acts.

115. The Appellant argues that the LoA, once signed and accepted, created a binding administrative relationship, protected by *pacta sunt servanda*. The Respondent contends that the LoA was an unperfected offer, pending final clearances, and could thus be withdrawn before the Appellant entered service.

116. The jurisprudence of international administrative tribunals supports the Appellant's position. The issuance and mutual acceptance of a duly signed LoA established an inchoate yet binding legal commitment (*Badawi* 2012-UNAT-261, para. 28; *El-Khatib* 2010-UNAT-029, para. 16; *Sprauten* 2011-UNAT-111, para. 23; *Gabaldon* 2011-UNAT-120, para. 22; *Jarallah*



2022-UNAT-1296, para. 44). However, this does not deprive the administration of its right to withdraw the offer before service begins, when legitimate organizational reasons exist.

117. Accordingly, the Board finds that the Respondent's withdrawal was not a termination but a revocation before entry into service, an act permissible under the principles of administrative international law. Such withdrawal produces only prospective (*ex nunc*) effects, provided it is based on lawful grounds and does not retroactively annul rights already vested.

Reasoning and Due Process

118. While the Respondent has discretion to cancel recruitment for legitimate organizational reasons, such discretion is not unfettered. International jurisprudence (*Sanwidi* 2010-UNAT-084, para. 40; *Benchebbak* 2014-UNAT-438, para. 19; *Balan* 2014-UNAT-462, para. 25; *Cobarrubias* 2015-UNAT-510, para. 19; *Karseboom* 2015-UNAT-601, para. 43; *Kule Kongba* 2018-UNAT-849, para. 27) requires that such decisions be based on objective, verifiable grounds and comply with principles of good faith and proportionality.

119. In this regard, the Board notes that, while the decision was lawfully taken, the reasoning provided in the withdrawal letter was brief and couched in general terms. References to “fiscal responsibility” and “efficiency” reflect legitimate organizational concerns but do not specify the financial data or administrative findings underpinning the decision.

120. Although this lack of specificity amounts to a deficiency of reasoning, it does not invalidate the decision. It is well settled that “[m]anagerial decisions should be sustained provided that they are free from invidious or improper motivations and are based upon the exercise of reason and proper judgment (*El-Awar* 2019-UNAT-931, para. 34).

121. In the context of a managerial reassessment undertaken in good faith and supported by contemporaneous documentary evidence as mentioned above, the requirement of reasonableness is satisfied.

122. The Appellant was duly informed of the decision and afforded the opportunity to seek administrative review. The process therefore complied, in substance, with due process requirements, even if the reasoning could have been more explicit.

Legitimate Expectation and Remedy

123. The Appellant, having received and accepted a duly signed LoA, developed a legitimate expectation that he would assume his post. The subsequent withdrawal, though lawful,



undeniably caused disappointment and some degree of disruption. International jurisprudence recognizes that legitimate expectations created in good faith warrant protection through appropriate and proportionate reparation when they are frustrated (*Wang* 2011-UNAT-140, para. 66; *Jarallah* 2022-UNAT-1296, para. 51).

124. However, compensation must correspond to the extent of actual harm. The Appellant did not commence service, receive salary, or make irreversible financial commitments. Consequently, the Board cannot grant the two years' salary claimed, as this would effectively equate to reinstatement and nullify a valid discretionary act.

125. Nevertheless, the Board accepts that the Appellant experienced material inconvenience and loss of professional opportunity arising from reliance on the appointment. Such harm, though limited, merits recognition. In line with established jurisprudence (*Wu* 2010-UNAT-042; *Messan* 2017-UNAT-802), the Board finds that compensation equivalent to three months net base salary at the P-4 level constitutes fair and adequate redress.

126. In light of the foregoing, the Joint Appeals Board finds that while the Respondent's decision to withdraw the Appellant's LoA was a reasonable exercise of managerial discretion, grounded in fiscal responsibility and organizational necessity, it nonetheless gave rise to legitimate expectations on the part of the Appellant, who had accepted a procedurally compliant offer of employment in good faith. The decision's lawfulness and proportionality do not extinguish the duty of the Administration to act consistently with the principles of good faith and legal certainty.

127. The Appellant's reliance on the appointment, although not culminating in service, justifies an award of limited compensation for the material inconvenience suffered, but not for reinstatement or damages equivalent to the full term of the contract sought. Such remedy strikes a fair balance between the Authority's right to manage its staffing in a time of fiscal restraint and the individual's right to the protection of legitimate expectations.

JUDGMENT

128. The Joint Appeals Board **DECIDES** that,

- a) The Appeal is receivable and granted in part.
- b) The Respondent shall pay the Appellant compensation equivalent to three months net base salary at the P-4 level, as material compensation of the withdrawal of the LoA.



- c) Payment shall be made within 60 days of notification of this decision, failing which interest shall accrue at the United Nation's applicable rate until payment is effected.

129. All other claims are rejected.

Dated 13 January 2026

Judge Martha Halfeld Furtado de Mendonça Schmidt

Chair, Joint Appeals Board

Georgina Guillén Grillo

Member, Joint Appeals Board

Jiefang Huang

Member, Joint Appeals Board

Johnny Ibrahim

Member, Joint Appeals Board

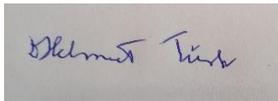


Abena Kwakye-Berko

Abena Kwakye-Berko
Member, Joint Appeals Board



Courtney Maxwell
Member, Joint Appeals Board



Helmut Tuerk
Member, Joint Appeals Board