



UNITED NATIONS APPEALS TRIBUNAL

TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2026-UNAT-1681

**Giovanni Ardito, Jonathan Hall,
Khalilah Hackman and David Pusztai
(Appellants/Respondents on Cross-Appeal)**

v.

**Secretary-General
of the International Seabed Authority
(Respondent/Appellant on Cross-Appeal)**

JUDGMENT

Before:	Judge Gao Xiaoli, Presiding Judge Leslie F. Forbang Judge Graeme Colgan
Case Nos.:	2026-2162, 2026-2163, 2026-2164 & 2026-2165
Date of Decision:	25 June 2026
Date of Publication:	22 July 2026
Registrar:	Juliet E. Johnson

Counsel for Giovanni Ardito, Jonathan Hall & Khalilah Hackman:	Armando Neris & Miklós Pálffy
Counsel for David Pusztai:	Self-represented
Counsel for Respondent:	Steven Dietrich/Talatu Akindolire

JUDGE GAO XIAOLI, PRESIDING.

1. The United Nations Appeals Tribunal (UNAT or Appeals Tribunal) is seized of separate appeals filed by four individuals – Mr. Giovanni Ardito, Mr. Jonathan Hall, Ms. Khalilah Hackman and Mr. David Pusztai (Appellants) – against the following Decisions of the Joint Appeals Board of the International Seabed Authority (JAB, Appeals Board or Board and ISA, respectively), in relation to the Secretary-General’s decisions of 2 January 2025 to withdraw their respective Letters of Appointment (LoA), all issued on 13 January 2026:

- *Giovanni Ardito v. Secretary-General of the International Seabed Authority*, Judgment of the Board relating to the Appeal submitted by the Appellant, *Appeal Concerning the Withdrawal of the Letter of Appointment* (Ardito JAB Decision) (assigned UNAT Case No. 2026-2162);
- *Jonathan Hall v. Secretary-General of the International Seabed Authority*, Judgment of the Board relating to the Appeal submitted by the Appellant, *Appeal Concerning the Withdrawal of the Letter of Appointment* (Hall JAB Decision) (assigned UNAT Case No. 2026-2163);
- *Khalilah Hackman v. Secretary-General of the International Seabed Authority*, Judgment of the Board relating to the Appeal submitted by the Appellant, *Appeal Concerning the Withdrawal of the Letter of Appointment* (Hackman JAB Decision) (assigned UNAT Case No. 2026-2164); and
- *David Pusztai v. Secretary-General of the International Seabed Authority*, Judgment of the Board relating to the Appeal submitted by the Appellant, *Appeal Concerning the Withdrawal of the Letter of Appointment* (Pusztai JAB Decision) (assigned UNAT Case No. 2026-2165).

2. By Order No. 682 (2026) dated 19 June 2026, the Appeals Tribunal consolidated Case Nos. 2026-2162, 2026-2163, 2026-2164 and 2026-2165 for all purposes.

3. For the reasons set out below, the appeals are granted in part, the JAB Decisions are quashed, and the matters are remanded for rehearing consistent with this Judgment.

Facts and Procedure

Mr. Ardito

4. Mr. Ardito joined ISA on 17 December 2022. He held a one-year fixed-term appointment as P-2 Associate Policy Officer in the Executive Office of the Secretary-General (EOSG), which was subsequently renewed until 16 December 2024.¹

5. On 13 December 2024, Mr. Ardito was granted a short-term renewal of his fixed-term appointment, from 17 to 31 December 2024. On 16 December 2024, Mr. Ardito received a separation Interoffice Memorandum (IoM) informing him of his separation of his Associate Policy Officer position effective 31 December 2024.²

6. On 17 December 2024, Mr. Ardito received an LoA for a fixed-term appointment for the post of Policy and Planning Officer (Capacity Development) at the P-3 level, commencing on 1 January 2025 and expiring on 31 December 2026. He countersigned the LoA on 18 December 2024.³

Mr. Hall

7. On 24 September 2024, Mr. Hall was notified that he had been selected for the post of Partnership Coordinator at the P-3 level in the EOSG.⁴

8. On 17 December 2024, Mr. Hall received an LoA for a fixed-term appointment for the post, effective 1 January 2025 and expiring on 31 December 2026. He countersigned the LoA on 18 December 2024.⁵

Ms. Hackman

9. By e-mail dated 6 December 2024, ISA notified Ms. Hackman that she had been selected for the position of Legal Counsel/Director, Office of Legal Affairs at the D-2 level.⁶

¹ Ardito JAB Decision, paras. 4 and 5.

² *Ibid.*, paras. 14 and 15.

³ *Ibid.*, paras. 18 and 19.

⁴ Hall JAB Decision, para. 9.

⁵ *Ibid.*, paras. 16 and 17.

⁶ *Ibid.*, para. 11.

10. On 20 December 2024, Ms. Hackman received and countersigned an LoA for a fixed-term appointment for the position, effective 1 January 2025 and expiring on 31 December 2026.⁷

Mr. Pusztai

11. Mr. Pusztai served with ISA under a series of temporary appointments until 14 December 2024.⁸

12. On 28 November 2024, Mr. Pusztai was informed that he had been selected for the P-4 position of Legal Officer, Regulatory Affairs within the Office of Legal Affairs, subject to completion of the standard pre-recruitment formalities, including reference verification and medical clearance.⁹ On 17 December 2024, Mr. Pusztai received an LoA for a fixed-term appointment for the position commencing on 1 January 2025 and expiring on 31 December 2026. He countersigned the LoA on 18 December 2024.¹⁰

Facts Common to All Four Appellants

^{13.} On 1 January 2025, Ms. Leticia Reis de Carvalho assumed office as the new Secretary-General of ISA.¹¹

14. On 2 January 2025, the Secretary-General issued letters to Mr. Ardito, Mr. Hall, Ms. Hackman and Mr. Pusztai withdrawing their respective LoAs. The letters advised that it had come to the Administration's attention that the selection process for their posts had not adhered to the established staff selection system, and that in light of the current financial situation of ISA, staffing commitments needed to be reassessed.¹²

15. On 6 January 2025, Mr. Ardito, Mr. Hall, Ms. Hackman and Mr. Pusztai each submitted a request for administrative review under Staff Rule 11.2(a)(i), challenging the withdrawal of their LoAs as unlawful, arbitrary, and procedurally flawed.¹³

⁷ *Ibid.*, para. 17.

⁸ Pusztai JAB Decision, para. 3.

⁹ *Ibid.*, paras. 4 and 8.

¹⁰ *Ibid.*, paras. 11 and 12.

¹¹ Ardito JAB Decision, para. 21.

¹² *Ibid.*, para. 22; Hall JAB Decision, para. 18; Pusztai JAB Decision, para. 16; Hackman JAB Decision, para. 20.

¹³ Ardito JAB Decision, para. 24; Hall JAB Decision, para. 19; Pusztai JAB Decision, para. 17; Hackman JAB Decision, para. 22.

16. On 5 February 2025, the Secretary-General rejected the requests for administrative review.¹⁴

17. On 4 March 2025, the JAB adopted Revised Rules of Procedure (JAB Rules) for the JAB. One of the revisions was the addition of JAB Rule 28 “Appeal reviews by the full Board”. This new rule provided that: “When the Chair or any two members sitting on a particular Panel consider that the appeal so warrants, the appeal shall be heard by the whole Board. If there is a tie in the voting by the members of the whole Board, the Chair shall have a casting vote.”

18. Rule 35 of the JAB Rules further states that the “amended Rules entered into force on 4 March 2025 and appl[ied] to all appeals, including pending appeals lodged on or before that date”.

19. On 4 March 2025, Mr. Ardito and Mr. Pusztai each filed a statement of appeal to the JAB in accordance with Staff Rule 11.2, challenging the Secretary-General’s decision to withdraw their appointments.¹⁵

20. On 6 March 2025, Mr. Hall and Ms. Hackman also each filed statements of appeal with the JAB challenging the withdrawal of their LoAs.¹⁶

*Proceedings before the ISA JAB*¹⁷

21. On 28 March 2025, the JAB Secretariat notified each of the Appellants that their respective appeals would be heard by the full Board, as the appeals were “substantively similar in context and compensation sought”. The Appellants were informed that “[t]o ensure consistency and avoid conflicting outcomes, the Chair, pursuant to Rule 28 of the [JAB Rules] and established international tribunal practices, decided to review them together”.¹⁸

22. On 2 April 2025, Mr. Ardito, Mr. Hall and Ms. Hackman submitted objections to the constitution of the JAB. They argued that Staff Rule 11.2(e) envisages the resolution of appeals by a three-member panel and that consideration by the full Board therefore constituted a procedural

¹⁴ Ardito JAB Decision, para. 25; Pusztai JAB Decision, para. 18.

¹⁵ Ardito JAB Decision, para. 26; Pusztai JAB Decision, para. 19.

¹⁶ Hall JAB Decision, para. 20; Hackman JAB Decision, para. 23.

¹⁷ The procedural history for each of the four cases that is not relevant to this Judgment is omitted.

¹⁸ Ardito JAB Decision, para. 35; Hall JAB Decision, para. 28; Pusztai JAB Decision, para. 30; Hackman JAB Decision, para. 26.

irregularity.¹⁹ Mr. Pusztai submitted a request for disqualification of the full Board on 3 April 2025.²⁰

23. On 13 January 2026, the JAB issued its Decisions in the cases of Mr. Ardito, Mr. Hall, Ms. Hackman and Mr. Pusztai.²¹ These decisions were issued by the full Board, meaning, by the Chair and six members: three members appointed by the Secretary-General and three members elected by the ISA Staff.

24. In each of those Decisions, the JAB reviewed the Appellants' objections to their individual appeals being heard by the full Board. A near-identical discussion of this issue was reflected in each of the JAB Decisions, as follows:²²

... 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 [JAB Rules] 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.

(...)

... 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.

... 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 [JAB Rules].

¹⁹ Ardito JAB Decision, paras. 36 and 66; Hall JAB Decision, paras. 29 and 58; Hackman JAB Decision, paras. 27 and 58.

²⁰ Pusztai JAB Decision, para. 31.

²¹ See above, para. 1.

²² Pusztai JAB Decision, paras. 71, 75-76. See also Ardito JAB Decision, paras. 69, 73-74; Hall JAB Decision, paras. 59, 63-64; Hackman JAB Decision, paras. 61, 65-66.

25. On the merits of each of the appeals of Mr. Ardito, Ms. Hackman and Mr. Pusztai, the JAB found that while the Secretary-General's decision to withdraw their LoAs "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 Appellants. The JAB found that the Appellants' reliance on their respective LoAs justified an award of limited compensation for the material inconvenience suffered.²³ The awards of compensation ranged from two to three months and were based on the net base salary of the post to which they had been appointed.²⁴

26. On the merits of Mr. Hall's appeal, the JAB found that in light of several procedural deficiencies, namely, the failure to complete the mandatory pre-appointment formalities, the absence of confirmation of budgetary availability as required by the Authority's established administrative practices, and the issuance of an appointment departing from the position and duration advertised, the Board found that the LoA dated 17 December 2024 was issued in contravention of the applicable Staff Regulations and Rules governing recruitment and appointment. As such, the LoA had been invalidly issued and was null and void *ab initio*. The JAB concluded that the withdrawal of the LoA therefore constituted a lawful and necessary corrective measure.²⁵ The JAB declined to award material damages but awarded compensation for moral harm in the amount of two months' net base salary.²⁶

27. On 12 April 2026, Mr. Ardito filed an appeal of the JAB Decision in his case with the Appeals Tribunal and the Secretary-General filed her answer and cross-appeal on 12 June 2026.

28. Mr. Hall, Ms. Hackman and Mr. Pusztai filed appeals on 13 April 2026 of the JAB Decisions in their respective cases.²⁷ On 15 June 2026, 19 June 2026 and 16 June 2026, respectively, the Secretary-General filed her answers and cross-appeals.²⁸

²³ Ardito JAB Decision, paras. 129-130; Hackman JAB Decision, paras. 132-133; Pusztai JAB Decision, paras. 126-127.

²⁴ Ardito JAB Decision, para. 131; Hackman JAB Decision, para. 134; Pusztai JAB Decision, para. 128.

²⁵ Hall JAB Decision, paras. 101-102.

²⁶ *Ibid.*, paras. 107-108, 110.

²⁷ Mr. Pusztai refiled his appeal on 17 April 2026 to conform with the UNAT's formal requirements and Ms. Hackman refiled her appeal on 19 April 2026 to conform with the UNAT's formal requirements.

²⁸ The Secretary-General refiled her answer and cross-appeal in relation to Ms. Hackman's appeal on 24 June 2026 to conform with the UNAT's formal requirements.

Submissions

Appeals of Mr. Ardito, Mr. Hall, Ms. Hackman and Mr. Pusztai

29. Each of the Appellants raises numerous errors of fact, law and procedure which are not relevant to the disposition of their appeals in this Judgment. Accordingly, for ease of comprehension, these issues are omitted from the Submissions.

30. For the purposes of this Judgment, the Appellants share a common submission that “the JAB proceedings were affected by serious procedural irregularities, individually and cumulatively, within Article 2(1)(a)-(b) and (d) [of the Appeals Tribunal Statute]”.²⁹

31. One of these procedural irregularities, the Appellants submit, is that: “The appeal was heard by the full Board rather than a three-member panel under Rule 11.2(e)(1). ... The JAB invoked Rule 28 of its Rules [of Procedure], but Rule 11.2(e)(1) of the [Staff Regulations and Rules] provides for a three-member panel and prevails over the JAB’s Rules.”³⁰

32. The Appellants *inter alia* ask that the Appeals Tribunal reverse the JAB Decisions and award different types of compensation. They request that the Appeals Tribunal hold an oral hearing.

The Secretary-General’s Answers to the Appellants’ Appeals

33. The Secretary-General responds to the various errors raised by each appeal in the respective answers. For the purposes of the dispositive issue raised in this Judgment, the Secretary-General submits that “[t]he JAB was duly constituted and acted throughout the proceedings (...) in accordance with the applicable legal framework”. The Secretary-General submits that the Appellants’ “allegations of bias and improper composition were properly considered and rejected by the JAB on the basis that they did not meet the applicable legal threshold under Rule 26 of its Rules of Procedure and Article 3 of the UNAT Statute”.

²⁹ Mr. Ardito’s appeal brief, para. 54; Mr. Halls’ appeal brief, para. 40; Ms. Hackman’s appeal brief, para. 52; Mr. Pusztai’s appeal brief, para. 44.

³⁰ Mr. Ardito’s appeal brief, para. 57; Mr. Hall’s appeal brief, para. 44; Ms. Hackman’s appeal brief, para. 56; Mr. Pusztai’s appeal brief, para. 47.

The Secretary-General's Cross-Appeals

34. The Secretary-General cross-appeals the award of compensation to the Appellants on the grounds that the JAB lacked authority to award monetary compensation. The Secretary-General submits that the Staff Regulations and Rules or the JAB's Rules do not contain any provision authorizing the JAB to award monetary compensation.

35. The Secretary-General further submits that JAB Rules "are subordinate to the [Staff Regulations and Rules] and cannot be interpreted so as to expand the Board's jurisdiction beyond that established by the primary governing regulatory framework (the [Staff Regulations and Rules])".

Considerations

36. The only issue that the Appeals Tribunal is considering in this Judgment is whether the JAB erred in convening a full Board, or seven members, to hear the appeals of Mr. Ardito, Mr. Hall, Ms. Hackman and Mr. Pusztai. The Appellants argue that this was a procedural irregularity that affected the outcome of the case. Because we agree that this was indeed a fundamental error, the cases must be remanded for rehearing by a three-member Panel of the JAB.

37. Staff Rule 11.2(e) expressly provides that "[f]or the consideration of each appeal, the Chair of the Joint Appeals Board shall constitute a panel of the Board" which will be composed of three persons: a Chair, a member selected from among those appointed by the Secretary-General, and a member selected from among those selected by the staff.

38. In each of the four cases considered in this Judgment, the Chair of the JAB convened the full Board, or seven members. The Chair's decision was predicated on Rule 28 of the JAB Rules, which allows for an appeal to be heard by the full Board when the Chair or any two members sitting on a particular appeal consider a full bench to be warranted.

39. However, as the Secretary-General points out in his cross-appeal on a different issue, the JAB Rules "are subordinate to the [Staff Regulations and Rules] and cannot be interpreted so as to expand the Board's jurisdiction beyond that established by the primary governing regulatory framework (the [Staff Regulations and Rules])". We agree with the Secretary-General that the JAB Rules cannot expand the jurisdiction of the Board beyond that established in the Staff Regulations

and Rules, yet that is precisely what the JAB did in these cases by establishing seven-member Panels when only three-member Panels were permitted under Staff Rule 11.2(e). In this the JAB erred.

40. As we held in *Marie Bourrel-McKinnon*, a Judgment also issued this summer session: “in constituting JAB Panels, the JAB must comply with the Staff Regulations and Rules. It cannot in law rely on the JAB Rules that conflict with the Staff Regulations and Rules: the former must yield to the latter”.³¹ Because, as we found in *Marie Bourrel-McKinnon*, Staff Rule 11.2(e)(i) does not contemplate a JAB panel of more than three persons, the convening of the full Board to hear the appeals was unlawful.

41. We therefore remand all four appeals to be considered by lawfully-constituted Panels of the JAB. The Appellants’ remaining claims are dismissed without prejudice to their being considered by any future litigation before the UNAT.

Request for an oral hearing

42. The Appellants request an oral hearing before the Appeals Tribunal.

43. Article 8(3) of the Statute and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules) govern oral hearings before the Appeals Tribunal. Article 18(1) of the Rules stipulates that: “The judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case”.

44. Since the JAB Panel was unlawfully constituted and the cases must be remanded, there is no need for an oral hearing. The requests for an oral hearing must be denied.

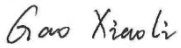
³¹ *Marie Bourrel-McKinnon v. Secretary-General of the International Seabed Authority*, Judgment No. 2026-UNAT-1679, para. 36.

Judgment

45. The appeals of Mr. Ardito, Mr. Hall, Ms. Hackman and Mr. Pusztai are granted in part, the JAB Decisions are quashed, and the matters are remanded to a lawfully constituted Panel for rehearing consistent with this Judgment.

Original and Authoritative Version: English

Decision dated this 25th day of June 2026 in New York, United States.


Judge Gao, Presiding


Judge Forbang


Judge Colgan

Judgment published and entered into the Register on this 22nd day of July 2026 in New York, United States.


Juliet E. Johnson, Registrar