



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

CHERNEVA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Bart Willemsen, UNICEF

Introduction

1. By application filed on 26 March 2018, the Applicant contests:
 - a. the recruitment and selection process for the post of Corporate Alliance Manager for Research (P-4), United Nations Children’s Fund (“UNICEF”); and
 - b. the decision to place her under the direct supervision of a P-3 “who has no supervisory functions in her Terms of Reference”.
2. The application was registered under Case No. UNDT/GVA/2018/027 and assigned to the undersigned Judge.
3. Also on 26 March 2018, the Applicant had requested management evaluation of the above two decisions.
4. On 3 April 2018, the application was served to the Respondent, who filed his reply on 2 May 2018.

Consideration

5. The Tribunal notes that the Applicant filed her application on the merits on 26 March 2018, namely on the same day on which she filed her two requests for management evaluation. According to art.8.1(d)(i)(b) of its Statute, the Tribunal is competent to hear an application that is filed within 90 calendar days of the *expiry* of the relevant response period for management evaluation, which in the case at hand is 45 days.
6. Having filed the application on the same day as the two requests for management evaluation, the Tribunal is not competent to hear it (cf. *Cherneva* Order No. 83 (GVA/2018)) and the application is not receivable *ratione materiae*.

7. Furthermore, the Tribunal observes that neither at the time of her candidature for the contested P-4 position, nor at the time of the completion of the selection exercise, was the Applicant a staff member of the Organization. It follows that the application with respect to this decision is also not receivable *ratione personae*.

8. Moreover, despite its finding that the present application is not receivable, the Tribunal recalls that the Administration has broad discretion in organizing its services (cf. *Cherneva* Order No. 83 (GVA/2018)).

Conclusion

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

The application is rejected.

(Signed)

Judge Teresa Bravo

Dated this 23rd day of May 2018

Entered in the Register on this 23rd day of May 2018

(Signed)

René M. Vargas M., Registrar, Geneva