UNDT/2009/051, Costa

UNAT Held or UNDT Pronouncements

The Dispute Tribunal may suspend or waive the deadlines for the filing of applications imposed by the Statute and Rules of Procedure, but may not suspend or waive the deadlines in the Staff Rules concerning management evaluation because this is the prerogative of the Secretary-General.The drafters of the Statute of the Dispute Tribunal intended that all applications to the Tribunal would be subject to the rules under which this Tribunal operates. Therefore, pursuant to Article 8.3 of the Statute, the Tribunal has no jurisdiction to extend the deadlines for the filing of requests for administrative review from before 1 July 2009. Outcome: The application is not receivable under Article 8.3 of the Statute of the Tribunal.

Decision Contested or Judgment/Order Appealed

The applicant, a language teacher, is contesting the Administration's decision to reject her request for overtime compensation. In 2007, the applicant's department decided to test a new system to evaluate the performance of students. After this pilot project was completed in January 2008, the applicant requested compensation for the overtime she had performed while working with the new system. Her request was denied. The applicant filed an application with the Dispute Tribunal.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

Applicants/Appellants

Costa

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/096

Tribunal

UNDT

Registry

New York

Date of Judgement

21 Oct 2009

Duty Judge

Judge Shaw

Language of Judgment

English
French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation
Management Evaluation
Extension of time

Applicable Law

Staff Rules

- Rule 11.2(c)
- Rule 111.2(a)
- Rule 111.2(f)

UNDT RoP

- Article 35
- Article 7

UNDT Statute

- Article 2.1
- Article 8.1
- Article 8.3