

UNDT/2009/065, Schook

UNAT Held or UNDT Pronouncements

The Tribunal limited its review to the time-bar of the request for review in July 2009. Since former Staff Rules were applicable to this case, the Morsy judgment and the broader definition of "exceptional cases" with reference to art. 8.3 UNDT Statute, art. 7.5 UNDT RoP had to remain out of consideration. The question whether UNDT has jurisdiction to waive time limits under the former system of internal justice - denied in Costa - could be left open, because no "exceptional circumstances" could be accepted. It was the Applicant's free will to await the outcome of the investigations, instead of safeguarding his rights by submitting a request for review within the time limits. Given the circumstances of this case the Respondent was also not precluded to invoke the time-bar. Outcome: Application was dismissed.

Decision Contested or Judgment/Order Appealed

The applicant's appointment of limited duration was not renewed and he was separated from UNMIK effective 31 December 2007. The Applicant did not contest the non-renewal before 14 July 2008, after having been informed in June 2008 that two investigations conducted against him during that time had been closed. In the letter from 30 December 2008 ALU did not raise the question of time-bar.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Schook

Entity

UNMIK

Case Number(s)

UNDT/GVA/2009/047

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 Nov 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (*ratione temporis*)

Applicable Law

Former Staff Rules

- Rule 111.2(a)
- Rule 111.2(f)