

# UNDT/2009/067, Gabriel

## UNAT Held or UNDT Pronouncements

Decisions made prior to 2 April 2009 are not excluded from being challenged before the Dispute Tribunal. Outcome: The application was held to be receivable and the motion to dismiss was denied. The instant case was also held to be exceptional, deserving of the waiver and extension of the time limits. The staff member was granted two weeks to file and serve a revised application.

## Decision Contested or Judgment/Order Appealed

The applicant contests a decision of the Secretary-General to take no further action on her appeal against decisions to reassign her and to advertise her former post. She also makes claims of harassment and abuse of authority against her former supervisor. The respondent filed a motion to dismiss the application on the grounds that the application was not receivable because it was time-barred and not properly before the Dispute Tribunal, citing ST/SGB/2009/11.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Gabriel

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2009/104

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

18 Nov 2009

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Procedure (first instance and UNAT)

## Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/11

## UNDT RoP

- Article 19
- Article 7.5

## UNDT Statute

- Article 8.3

## Related Judgments and Orders

UNDT/2009/036