

UNDT/2010/031, Bidny

UNAT Held or UNDT Pronouncements

The Applicant's request for review is time-barred as far as the decision not to renew her appointment is concerned. As regards both the non-renewal of the Applicant's contract and the alleged mishandling of her visa request (even assuming that such mishandling could be linked to an administrative decision subject to appeal), the Applicant, in the absence of a response from the Secretary-General within two months of her request for review, had one month to file an appeal with the JAB. The appeal is time-barred as well. Given that the time limits prescribed in staff rule 111.2 (a) were not complied with by the Applicant, the Tribunal examined whether there were any exceptional circumstances within the meaning of former staff rule 111.2 (f) which prevented her from submitting a request for review and filing an appeal in time. In this respect, the Tribunal applied the definition of exceptional circumstances adopted by the former UNAT and upheld by the UNDT in a number of judgments, i.e. circumstances beyond the control of the Applicant. In the present case, the Applicant did not set forth, and the Tribunal did not find, any exceptional circumstances.

Decision Contested or Judgment/Order Appealed

On 21 September 2004, the Applicant requested the Secretary-General to review the decision, communicated to her in March 2004, not to extend her appointment beyond 31 March 2004, as well as the circumstances surrounding the issuance in July 2004 of her G-4 visa by the U.S. authorities. She filed an appeal with the JAB on 14 February 2005. In May 2006, the JAB rejected the appeal as time-barred, noting that the Applicant had failed to comply with the time limits prescribed in former staff rule 111.2. In October 2007, the Applicant filed an appeal with the former United Nations Administrative Tribunal against the Secretary-General's decision to accept the findings and conclusions of the JAB.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bidny

Entity

UNMIK

Case Number(s)

UNDT/GVA/2010/013

Tribunal

UNDT

Registry

Geneva

Date of Judgement

21 Feb 2010

Duty Judge

Judge Cousin

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)

Related Judgments and Orders

UNDT/2010/019