

# UNDT/2010/033, Zhang

## UNAT Held or UNDT Pronouncements

Outcome: The application is not receivable. A consideration of the merits also would have found it to be rejected in its entirety as no retaliatory motivations were established.

## Decision Contested or Judgment/Order Appealed

The applicant in this case is contesting what she alleges to be a “reassignment” or “transfer” to the Department of General Assembly and Conference Management (DGACM), communicated to her on 9 February 2009, as well as a medical evaluation dated 13 March 2009, on the basis that both actions were motivated by management’s alleged retaliation against her over a number of years.

## Legal Principle(s)

An administrative decision must clearly at the very least require a decision to be taken by or on behalf of the Organization in the course of managing its affairs and it is not apparent that the matters the applicant contests satisfy even an expanded definition of what constitutes an administrative decision. Requests for administrative review and management evaluation are necessary steps in the appeal process, neither of which were sought in relation to any of the applicant’s earlier allegations. The applicant’s claims that the Organization has not properly used its human resources, nor promoted gender equality do not impugn any specified administrative decision and therefore do not warrant further comment. The Tribunal is not an appropriate forum in which to request the awarding of a post commensurate with an applicant’s skills and qualifications. There is no evidence that the impugned alleged decisions were improper, as a result of being motivated by retaliation or otherwise.

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Zhang

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2009/094

Tribunal

UNDT

Registry

New York

Date of Judgement

25 Feb 2010

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2010/006

UNDT/2009/028

UNDT/2009/074

UNDT/2009/095