

# **UNDT/2010/159, Ibekwe**

## **UNAT Held or UNDT Pronouncements**

The judge must raise on his/her own motion the issue of receivability of an application and in particular verify whether the requirements of former staff rule 111.2 (a) have been complied with since the request for review of an administrative decision is a mandatory prerequisite for filing an appeal before the UN Dispute Tribunal. The absence of the request for review leads to the irreceivability of the application (see judgments UNDT/2010/158, Osman; UNDT/2009/070, Planas; UNDT/2009/054, Nwuke; UNDT/2009/035, Caldarone). The Tribunal's competence is limited, pursuant to art. 2.1 (a) of the UNDT Statute, to reviewing the legality of an "administrative decision". Hence, the applicant's request for compensation for damages suffered due to harassment and discrimination is also irreceivable since she does not contest an express or implicit administrative decision.

## **Decision Contested or Judgment/OrderAppealed**

The applicant seeks compensation for damage suffered as a result, first, of the harassment she endured for 10 years, secondly, the placement of adverse material in her file and, finally, her non-selection for positions for which she claims she was qualified.

## **Legal Principle(s)**

N/A

## **Outcome**

Dismissed as not receivable

## **Full judgment**

[Full judgment](#)

## Applicants/Appellants

Ibekwe

## Entity

UNOG

## Case Number(s)

UNDT/GVA/2010/059

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

2 Sep 2010

## Duty Judge

Judge Cousin

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

Administrative Instructions

- ST/AI/292

Former Staff Rules

- Rule 111.2(a)

## Related Judgments and Orders

UNDT/2010/158

UNDT/2009/070

UNDT/2009/054

UNDT/2009/035