

UNDT/2010/210, Bernadel

UNAT Held or UNDT Pronouncements

The Respondent submits that the contested decision was expressed in a letter dated 3 August 2001 and the claim is therefore time-barred as the Applicant's request for administrative review, dated 2 May 2005, was filed out of time. The Applicant avers that her application is receivable as the final decision subject to appeal was expressed in the letter of the High Commissioner for Human Rights dated 30 March 2005. UNDT found that the contested decision was made on 3 August 2001 and that the Applicant was notified of it, at the latest, on or before 15 April 2002. UNDT found that the Applicant failed to file a timeous request for administrative review and, under Costa 2010-UNAT-036, her application was not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant, a former General Service level staff member in the Office of the High Commissioner for Human Rights ("OHCHR"), contests the decision not to grant her retroactive special post allowance ("SPA") to the P-2 level for the period of 1997 to 1998.

Legal Principle(s)

Reiteration of administrative decision: Reiterations of the same decision in response to a staff member's repeated requests to reconsider the matter do not reset the deadlines for appealing the decision. Reiteration or explanation of an earlier decision is distinct from the making of an entirely new administrative decision. Administrative review, time limits: Under Costa 2010-UNAT-036, UNDT does not have the power to waive or suspend the time limits for requests for administrative review or management evaluation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bernadel

Entity

OHCHR

Case Number(s)

UNDT/NY/2010/004/UNAT/1571

Tribunal

UNDT

Registry

New York

Date of Judgement

3 Dec 2010

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Special Post Allowance

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Applicable Law

Former Staff Rules

- Rule 111.2

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.1
- Article 8.3

Related Judgments and Orders

UNDT/2009/051

2010-UNAT-036