

UNDT/2011/064, Hunt-Matthes

UNAT Held or UNDT Pronouncements

The Tribunal, noting that the Applicant had failed to comply with the time limit set out in former staff rule 111.2(a), focused solely on whether there were “exceptional circumstances” to warrant a waiver of the time limit. The Tribunal found that the Applicant’s mere assertion that she was unable to follow-up and was incapable of submitting a reasoned appeal as a result of psychological and professional stress was inadequate to warrant a waiver of the time limits. Based on the limited submissions of the Applicant, the Tribunal was unable to establish any causal relation between her state of health and her failure to file a timely application. The Tribunal noted that it is an applicant’s responsibility to diligently pursue his/her case, and where he or she fails to do so, it is his/her responsibility to convince the Tribunal that exceptional circumstances did indeed exist.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of UNHCR, is contesting, inter alia, the decision by UNHCR not to grant her an indefinite contract upon her interagency transfer from the World Food Programme (“WFP”).

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Outcome Extra Text

The Tribunal held that this particular claim was not receivable as a result of the Applicant's failure to file an appeal to the JAB within the time provided by the then existing rules and regulations.

Full judgment

[Full judgment](#)

Applicants/Appellants

Hunt-Matthes

Entity

UNHCR

Case Number(s)

UNDT/NBI/2010/053

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

6 Apr 2011

Duty Judge

Judge Boolell

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/2009/036

UNDT/2010/037

UNDT/2010/054

UNDT/2010/184