

UNDT/2011/074, Scheepers

UNAT Held or UNDT Pronouncements

The Respondent submitted, inter alia, that the present application was time-barred as it was not filed within 90 days from the date of receipt by the Applicant of the management evaluation. The Applicant submitted that the filing of the present application was delayed due to exceptional circumstances, namely his attempts to resolve the matter informally, including with the assistance of OSLA. The Tribunal found that the application was filed more than four months after the expiration of the relevant time period. The Tribunal further found that the Applicant's informal discussions with the management did not amount to an exceptional circumstance warranting a waiver of the time limits. Outcome: The application was rejected as time-barred.

Decision Contested or Judgment/Order Appealed

The Applicant, a canine handler with the Canine Unit of the Department of Safety and Security ("DSS"), contested the amount of special monthly allowance paid to him as a canine handler.

Legal Principle(s)

Waiver of time limits, exceptional circumstances: With respect to informal resolution of disputes, it is envisaged by the provisional Staff Rules that deadlines for the filing of an application with the Tribunal may be extended only in cases in which such informal resolution is carried out through the Office of the Ombudsman. Consultations with OSLA and attempts to informally resolve the matter directly with management, without involvement of the Office of the Ombudsman, generally will not amount to an exceptional circumstance for the purpose of a waiver of the time limits under art. 8.3 of the Dispute Tribunal's Statute.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Scheepers

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/072

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Apr 2011

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Staff Rules

- Rule 11.1
- Rule 11.4

UNDT Statute

- Article 8.1
- Article 8.3

Related Judgments and Orders

UNDT/2010/019

UNDT/2010/025

UNDT/2010/031

UNDT/2010/102

UNDT/2011/064

2010-UNAT-067

2011-UNAT-118