# UNDT/2011/180, Cremades

#### **UNAT Held or UNDT Pronouncements**

The Tribunal rejected the application, as the Applicant had failed to observe the (then) statutory two-month time limit to request administrative review. It considered that the Administration's response of 3 June 2009 was sufficiently clear to amount to an administrative decision open to appeal. Subsequent denials by the Administration were only confirmative decisions. Moreover, the Tribunal may not waive the time limits for management evaluation and the entry into force of new Staff Rules on 1 July 2009 did not modify these limits. Confirmative decisions: When a staff member has submitted several requests to the Administration concerning the same matter, only the first decision of refusal is appealable. Subsequent refusals by the Administration, further to new requests concerning the same matter are confirmative decisions which may not extend the time limits for management evaluation.Outcome: Application rejected on receivability

### Decision Contested or Judgment/Order Appealed

On 1 May 2009, the Applicant, a former staff member who retired on 31 July 2009, requested the Administration to either extend her contract so as to cover the annual leave she claimed to have accrued during the first half of 2009, or award her a compensation which took into account her annual leave entitlements. This request was denied on 3 June 2009. As the Applicant renewed her request, the negative decision was confirmed on 1 July 2010. She submitted a request for administrative review on 25 August 2010.

#### Legal Principle(s)

N/A

#### Outcome

Dismissed as not receivable

## Full judgment

Full judgment

## Applicants/Appellants

Cremades

## **Entity**

**UNOG** 

## Case Number(s)

UNDT/GVA/2010/109

#### **Tribunal**

**UNDT** 

## Registry

Geneva

# Date of Judgement

21 Oct 2011

## **Duty Judge**

Judge Cousin

# Language of Judgment

English

French

# **Issuance Type**

Judgment

# Categories/Subcategories

Administrative decision
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Temporal (ratione temporis)

# **Applicable Law**

Former Staff Rules

• Rule 111.2(a)

**UNDT Statute** 

• Article 8.3

# Related Judgments and Orders

2010-UNAT-036