

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