

# UNDT/2012/070, Gehr

## UNAT Held or UNDT Pronouncements

Administrative review/management evaluation: Requests for management evaluation are mandatory first steps in the appeal process. Requirement to request for management evaluation for former staff members: Irrespective of whether an applicant is a current or a former staff member of the United Nations, he or she must request a management evaluation, where required, prior to filing his or her application with the Dispute Tribunal. Legal hierarchy and request for management evaluation: Even assuming that staff rule 11.2(a), insofar as it is silent on whether a former staff member must also request a management evaluation prior to filing an application with the Tribunal, contradicts the provisions of the Tribunal's Statute, the Tribunal is to assess the admissibility of the application only in light of its own Statute.

## Decision Contested or Judgment/Order Appealed

The Applicant, a former UNODC staff member, challenged the decision not to conduct a fact-finding investigation following his report of prohibited conduct. He did not seek management evaluation of this decision prior to lodging his appeal and, in his application, he submitted that, since staff rule 11.2 only refers to staff members, it is to be inferred that former staff members are not required to undergo management evaluation prior to bringing their claims before the Tribunal. The Tribunal rejects the application as irreceivable.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gehr

Entity

UNODC

Case Number(s)

UNDT/GVA/2012/1

Tribunal

UNDT

Registry

Geneva

Date of Judgement

9 May 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 2.1
- Article 3.1
- Article 8.1

Related Judgments and Orders

2010-UNAT-035

2010-UNAT-049

2011-UNAT-118

UNDT/2010/102

UNDT/2010/203

UNDT/2010/206

UNDT/2010/208

UNDT/2011/126