

UNDT/2012/195, Servas

UNAT Held or UNDT Pronouncements

Receivability: Decisions by the Ethics Office are administrative decisions that are subject to appeal before the Tribunal, since they may directly affect staff members' rights. A request for management evaluation has to be sought prior to the filing of the application and hence her request to regularize her application a posteriori could only be rejected, in accordance with staff rule 11.2, namely the required antecedence of the request for management evaluation to the application.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Ethics Office by which it decided that the settlement agreement concluded between the Applicant and the International Trade Centre (ITC) through the United Nations Ombudsman and Mediation Services (UNOMS) does not constitute a protected activity within the scope of ST/SGB/2005/21 (Ethics Office - establishment and terms of reference). The Applicant did not submit the contested administrative decision for management evaluation prior to the filing of the Application, asserting that it was superfluous given that the Secretary-General refuses to acknowledge decisions by the Ethics Office as administrative decisions subject to appeal before the Tribunal. The UNDT found that the application is not receivable since the Applicant is not exempted from requesting management evaluation before seeking relief from the Tribunal as clearly stipulated in staff rule 11.2.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Servas

Entity

ITC

Case Number(s)

UNDT/GVA/2012/25

Tribunal

UNDT

Registry

Geneva

Date of Judgement

10 Dec 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Applicable Law

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2005/22

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

UNDT RoP

- Article 15.7

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2011/063

2010-UNAT-099