

UNDT/2013/004, Applicant

UNAT Held or UNDT Pronouncements

The Tribunal found that the application was filed within the applicable time limits. The Tribunal found that in respect to decision 3, the Applicant requested management evaluation outside the prescribed time limit and therefore the Application with regard to decision 3 was not receivable. Mediation and Time-Limits: If a party to a dispute makes mediation overtures within the applicable time lines for filing an Application and the other party consents to participation in the mediation process then the time limit for filing an Application is suspended and begins to run when the mediation has broken down. The time for filling an Application starts from the date when mediation breaks down. When mediation overtures are made by one party but the other party refuses, the time limit for filing an application dose not run until the refusal is communicated to the other party unambiguously.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of UNOPS in Jerusalem, filed an Application contesting three administrative decisions. The Respondent contested the receivability of two of the decisions namely: the decision to give her a six month fixed-term contract instead of 12 months (decision 1) which she became aware of on 17 January 2011 and the decisions not to renew her fixed-term contract and to place her on special leave (decision 3) which she was notified on 26 April 2011. The Respondent argued that the Applicant delayed in filing her Application with the Tribunal and that the request for management evaluation was time barred. Regarding decision 1, on 10 January 2011, the Applicant sought the assistance of the ombudsman in resolving the dispute between her and the organization. She requested management evaluation on 7 March and received a response on 28 March 2011. Mediation broke down on 30 June 2011 when the Applicant was an unsuccessful candidate in a selection exercise which was part of the mediation agreement. She filed her Application on 26 September 2011.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UNOPS

Case Number(s)

UNDT/NBI/2011/59

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

17 Jan 2013

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Ombudsman / informal resolution

Separation from service

Applicable Law

Secretary-General's bulletins

- ST/SGB/2011/1

Staff Rules

- Rule 11.2 (c)
- Rule 11.2(a)
- Rule 11.4(c)

UNDT RoP

- Article 15.7

UNDT Statute

- Article 8.1(d)(iv)

Related Judgments and Orders

UNDT/2011/074

2011-UNAT-118