

UNDT/2013/007, Milich

UNAT Held or UNDT Pronouncements

The UNDT found that the application was not receivable as the Applicant failed to request a management evaluation of the contested decision. The UNDT found that the Applicant's communications with the Human Resources Management Section of the United Nations Office in Vienna in July 2012 did not amount to a request for management evaluation, and even if they were accepted as such a request, it would have been out of time by approximately three months.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the United Nations Office on Drugs and Crime ("UNODC") not to renew his contract beyond 29 February 2012.

Legal Principle(s)

Requirement of management evaluation: Pursuant to art. 8.1 of the Statute of the UNDT, read together with staff rule 11.2(a), an applicant must, as a mandatory first step in cases that do not fall under staff rule 11.2(b), request management evaluation of a contested decision before filing an application with the UNDT. The purpose of such management evaluation is primarily to allow management to review, and possibly correct, the challenged administrative decision, thereby avoiding unnecessary litigation before the UNDT. Where the concerned individual has failed to request management evaluation, the UNDT has no jurisdiction to consider her or his application.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Milich

Entity

UNODC

Case Number(s)

UNDT/NY/2012/066

Tribunal

UNDT

Registry

New York

Date of Judgement

18 Jan 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Separation from service

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.1

Related Judgments and Orders

UNDT/2012/148

2010-UNAT-049