

UNDT/2013/141, Bofill

UNAT Held or UNDT Pronouncements

The Tribunal did not find any exceptional circumstances, and found that the application was not receivable, *ratione temporis*.

Decision Contested or Judgment/Order Appealed

The Applicant challenged her non-promotion to the D-1 level during the 2010 and 2011 Annual Promotions Sessions and the lack of answer of the UNHCR Administration to her request for management evaluation of these decisions; however the Applicant clearly filed her application with the UNDT after the applicable time limits had elapsed. The Applicant alleged the existence of exceptional circumstances that would warrant a waiver or extension of the applicable time limits in her case.

Legal Principle(s)

Summary judgment is appropriate in case the Tribunal finds an application not receivable, *ratione temporis*, an issue that may be assessed as a matter of law even without serving the application to the Respondent and even if not raised by the parties. *Ratione temporis*: Time limits are to be strictly enforced; a delay can generally be excused only because of circumstances beyond an applicant's control. Management evaluation: Pursuant to the provisions on the management evaluation process, the Administration's obligation to reply within certain time limits does not correspond to an individual right to a response to a request for management evaluation; the only effect of a lack of response is a direct access to the Tribunal by submitting an application within the statutory timeframe.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bofill

Entity

UNHCR

Case Number(s)

UNDT/GVA/2013/63

Tribunal

UNDT

Registry

Geneva

Date of Judgement

14 Nov 2013

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Temporal (ratione temporis)

Applicable Law

UNDT RoP

- Article 9

UNDT Statute

- Article 8

Related Judgments and Orders

2013-UNAT-313

2013-UNAT-335