

# **UNDT/2014/032, Nielsen**

## UNAT Held or UNDT Pronouncements

The Tribunal considered that the Applicant as a party cannot file a motion for intervention in her own case, and that her request for intervention by the Tribunal in the rebuttal process is not receivable *ratione materiae*, thus leaving no legal ground for an interim measure.

## Decision Contested or Judgment/Order Appealed

The Applicant filed a “motion for intervention”, requesting the Tribunal to intervene in the rebuttal process of her performance appraisal, followed by a motion for interim measures.

## Legal Principle(s)

Receivability: It is not for the Tribunal to intervene in ongoing administrative procedures such as a rebuttal that is still pending. Summary judgment: A matter of law may be adjudicated even without serving the application to the Respondent for reply and even if it was not raised by the parties.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Nielsen

## Entity

UNFPA

## Case Number(s)

UNDT/GVA/2014/10

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

21 Mar 2014

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

## UNDT RoP

- Article 22
- Article 9

## UNDT Statute

- Article 10.2
- Article 2.1

## Related Judgments and Orders

UNDT/2013/141

UNDT/2013/147

2013-UNAT-313

2013-UNAT-335