

UNDT/2014/070, Gallo

UNAT Held or UNDT Pronouncements

The Applicant filed his request for management evaluation on 30 September 2013 and received a response from the management evaluation unit on 21 February 2014. His appeal was filed with the Tribunal on 22 May 2014. The question for decision by the Tribunal regarding the timely filing of the claim is not whether the MEU was dilatory in its response but whether the Applicant complied with the necessary deadlines under the Tribunal's Statute and Rules of Procedure. The Tribunal found that the application was not receivable. The Tribunal found that the applicable time limits for the filing of the application were not reset within the meaning of the Appeals Tribunal's jurisprudence in Neault. Considering that the Applicant did not request a waiver of the applicable time limits and that he did not provide any exceptional circumstances warranting a suspension/waiver/extension of time for the filing of his application, the Tribunal has no jurisdiction to consider the claim.

Decision Contested or Judgment/OrderAppealed

The Applicant contests the content of his end-of-year appraisal and the decision of the rebuttal panel following its review of his complaint thereto. The Applicant filed his request for management evaluation on 30 September 2013 and received a response from the management evaluation unit on 21 February 2014. His appeal was filed with the Tribunal on 22 May 2014. The question for decision by the Tribunal regarding the timely filing of the claim is not whether the MEU was dilatory in its response but whether the Applicant complied with the necessary deadlines under the Tribunal's Statute and Rules of Procedure. The Tribunal found that the application was not receivable.

Legal Principle(s)

Article 8.3 of the Tribunal's Statute and 7.5 of its Rules of Procedure state that the Tribunal may only, in exceptional cases and upon receiving a written request by an applicant, suspend or waive for a limited period of time the deadline by which an application has to be filed before it.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gallo

Entity

OIOS

Case Number(s)

UNDT/NY/2014/43

Tribunal

UNDT

Registry

New York

Date of Judgement

19 Jun 2014

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Temporal (ratione temporis)

Applicable Law

Staff Rules

- Rule 11.2(d)
- Rule 11.4(a)

UNDT RoP

- Article 7.1
- Article 7.5

UNDT Statute

- Article 8.1
- Article 8.3

Related Judgments and Orders

2010-UNAT-036

2013-UNAT-345