

UNDT/2014/084, Ibom

UNAT Held or UNDT Pronouncements

Management evaluation: The Tribunal noted that the contested decision was notified to the Applicant on 30 June 2008 and yet he waited until 20 January 2014, more than five years after the fact, to submit a request for management evaluation. The Tribunal concluded that where an applicant fails to request management evaluation in a timely manner, the Dispute Tribunal has no jurisdiction to consider his/her application. Lastly, the Tribunal noted that even if it was minded to consider the Application, the provisions of article 8.4 of the UNDT Statute clearly place a bar on any such action. Costs: The Tribunal was of the view that the Applicant, by the filing of this frivolous Application, had manifestly abused the proceedings. The Tribunal noted that if he were still in the employment of the Organization in any capacity, it would have been prudent to order costs against him to the tune of USD500. However, since he is no longer a staff member, the Tribunal noted that this is not a feasible option.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision of the Deputy Resident and Humanitarian Coordinator in South Sudan not to renew his fixed-term appointment (FTA) beyond 30 September 2008.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Ibom

Entity

UNDP

Case Number(s)

UNDT/NBI/2014/47

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Jun 2014

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

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

UNDT Statute

- Article 10.6
- Article 8.1(c)
- Article 8.4

Related Judgments and Orders

UNDT/2014/002

2010-UNAT-072

2010-UNAT-074

2011-UNAT-108