

UNDT/2014/091, Bien-Aime

UNAT Held or UNDT Pronouncements

There being no evidence that real ongoing informal resolution efforts took place between the date on which the Applicant was notified of the decision on 26 May 2011 and when he filed his request for management evaluation on 4 August 2011, the time limit was not extended and his request for management evaluation was not receivable (time barred). The Tribunal concludes that there was no genuine informal resolution efforts conducted by the Office of the Ombudsman and there was no request for extension of time addressed to the Secretary-General by the Applicant. The 4 August 2011 request for management evaluation, including the updated 19 August 2011 request, were filed after the expiration of the applicable time limit and at no time was the deadline for filing a request for management evaluation extended at the initiative of the Secretary-General. The request for management evaluation being out of time, the Tribunal does not have jurisdiction to consider the Applicant's appeal and it is not receivable *ratione materiae*.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decisions to reassign him from the Personnel Section to the Security Section in the United Nations Stabilization Mission in Haiti during the course of an investigation and the removal of his computer's hard drive during that process. The Applicant submitted that even though he filed his request for management evaluation after the expiry of the 60 day time limit, his request was receivable as he had been engaged in informal resolutions with the Office of the Ombudsman.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bien-Aime

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2011/93

Tribunal

UNDT

Registry

New York

Date of Judgement

27 Jun 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Applicable Law

Staff Rules

- Rule 11.1
- Rule 11.2
- Rule 11.4

Related Judgments and Orders

2013-UNAT-306

2013-UNAT-335

2014-UNAT-402

2014-UNAT-406