

UNDT/2015/016, Glavind

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had requested management evaluation and concluded that the Application is receivable. Implied decision - The Tribunal found that the 90-day waiting period for a written response to the Applicant's request was reasonable and that the ASG/OHRM's failure to respond within 90 days constituted an appealable implied administrative decision. Thus, the ASG/OHRM's written decision of 27 February 2015 was not a separate administrative decision but merely a reiteration and explanation of her implied decision. Receivability - The Tribunal found that after waiting for a response for 90 days, the Applicant requested management evaluation of the implied decision not to consider her application for retroactive promotion. Although the Management Evaluation Unit subsequently decided that her request was moot and time-barred, this does not negate the fact that she did, in actuality, seek management evaluation of the Contested Decision..

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the United Nations Office at Nairobi (UNON), is contesting the decision by the Assistant Secretary-General for Human Resources Management (ASG/OHRM) not to grant her retroactive promotion for pension purposes as an exception under staff rule 12.3(b).

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Outcome Extra Text

No compensation ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Glavind

Entity

UNON

Case Number(s)

UNDT/NBI/2014/24

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

18 Feb 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Applicable Law

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2015/013

2010-UNAT-030

2011-UNAT-177

2014-UNAT-406