

UNDT/2015/017, Thorvaldsdottir

UNAT Held or UNDT Pronouncements

The Tribunal found that a final decision had been taken on 27 September 2013 by the Registrar and notified to the Applicant on 14 October 2013 and that by filing a request for management evaluation only on 23 June 2014, the application was irreceivable, *ratione materiae*.

Decision Contested or Judgment/Order Appealed

The Applicant, a General Service staff member (GS-5) at the International Tribunal for the former Yugoslavia (ICTY) was selected for a temporary vacancy announcement for the post of Contracts Compliance Officer (P-2), ICTY. Upon her selection in March 2013, she inquired about the Special Post Allowance (SPA) she would be receiving and was informed by the Human Resources (HR) Department that she would only be entitled to a SPA at the GS-6, and not the P-2 level. The Applicant also had a meeting with the Chief, HR, about the matter, in June 2013. The SPA Panel reviewed the Applicant's case in September 2013 and the Registrar, ICTY, approved the recommendation to grant a SPA at the GS-6 level on 27 September 2013. The decision was notified to the Applicant on 14 October 2013. In June 2014, the Applicant wrote to the Chief, HR, requesting a review of the matter, which she considered "remained pending". The Chief, HR; responded on 18 June 2014 that the matter was not pending but that a decision had been taken in June 2013.

Legal Principle(s)

Receivability: For an application to be receivable *ratione materiae*, the Applicant must first have filed a timely request for management evaluation. The date of an administrative decision, as of which the statutory time-limit of 60 days starts to run, has to be based on objective elements which both the staff member and the Administration can accurately determine. The reiteration of an original decision does

not reset the clock with respect to said deadline.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Thorvaldsdottir

Entity

ICTY

Case Number(s)

UNDT/GVA/2014/77

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Feb 2015

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

TEST -Rename- Benefits and entitlements-45

Special Post Allowance

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (ratione materiae)

Applicable Law

Administrative Instructions

- ST/AI/1999/17

Staff Rules

- Rule 11.2(c)

UNDT Statute

- Article 2.1

Related Judgments and Orders

2014-UNAT-402

2011-UNAT-108

2010-UNAT-043

2011-UNAT-158

2013-UNAT-308

2010-UNAT-036

2012-UNAT-260

2013-UNAT-368

2010-UNAT-079

2012-UNAT-196

