

UNDT/2015/037, Seyfollahzadeh

UNAT Held or UNDT Pronouncements

While in her application she refers to a broad spectrum of decisions, only one of them—the decision not to grant her ASHI—was the subject of a request for management evaluation. The Tribunal found, accordingly, that the application with respect to issues which were not previously subjected to management evaluation was not receivable, *ratione materiae*. With respect to the denial of ASHI, the Tribunal noted that the Applicant had been first notified of the contested decision on 1 May 2014. Due to ongoing discussions, the Applicant filed her request for management evaluation only on 18 July 2014, referring to a confirmative decision of 27 May 2014. The Tribunal found that the decision of 27 May 2014 did not constitute a new administrative decision and, therefore, rejected the application also in this respect.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the United Nations Development Programme, contests a variety of decisions, including the decision not to grant her after-service health insurance (ASHI) upon her separation from the Organization.

Legal Principle(s)

Confirmative decision: In the absence of new facts or information, the reiteration of an unambiguous administrative decision does not constitute a new administrative decision and does not reset the clock with respect to the statutory time limits, which start to run from the date of the original decision. Ignorance of the law is not an excuse for a staff member to fail to comply with the statutory time limits; it is a staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the internal system of administration of justice. Further, any reliance on the advice allegedly received from OSLA with respect to the scope and timing of the request for management evaluation does not help when statutory requirements have not been met.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Seyfollahzadeh

Entity

UNDP

Case Number(s)

UNDT/GVA/2015/4

Tribunal

UNDT

Registry

Geneva

Date of Judgement

12 May 2015

Duty Judge

Judge Laker

Language of Judgment

English
Issuance Type
Judgment
Categories/Subcategories
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Applicable Law
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-067
2012-UNAT-271
2010-UNAT-079
2015-UNAT-516
2015-UNAT-520
2012-UNAT-211
2014-UNAT-472
2015-UNAT-521
2012-UNAT-196