

# UNDT/2015/105, Chollet

## UNAT Held or UNDT Pronouncements

The UNDT found that the Applicant was notified of the contested decision on 19 June 2013, but submitted his request for management evaluation only on 15 January 2014, or nearly five months after the expiration of the applicable 60-day period for the filing of management evaluation requests. The UNDT found that by not submitting a timely request for management evaluation, the Applicant failed to meet one of the mandatory and cumulative receivability conditions of art. 8.1 of the UNDT Statute. The UNDT rejected the application as not receivable *ratione materiae*.

## Decision Contested or Judgment/Order Appealed

The Applicant, a former Functional Analyst at the P-4 level, Umoja project, Department of Management, contested the decision not to renew his fixed-term appointment.

## Legal Principle(s)

Deadlines for management evaluation request: The UNDT does not have jurisdiction, pursuant to art. 8.3 of its Statute, to waive or extend the deadlines for management evaluation requests. Reiteration/repetition of the decision: Reiterations or repetitions of the same administrative decision in response to the Applicant's communication do not reset the clock with respect to the applicable time limits in which the original decision is to be contested.

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Chollet

Entity

DM

Case Number(s)

UNDT/NY/2014/37

Tribunal

UNDT

Registry

New York

Date of Judgement

4 Nov 2015

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Non-renewal  
Separation from service  
Applicable Law  
Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.1
- Article 8.3

Related Judgments and Orders

2010-UNAT-036  
2010-UNAT-074  
2010-UNAT-079  
2011-UNAT-108  
2015-UNAT-539