

UNDT/2015/108, Babiker

UNAT Held or UNDT Pronouncements

The UNDT further found that the Applicant also failed to submit her application to the UNDT within the prescribed time period. The UNDT found that UNDP provided incorrect information to the Applicant regard the “suspension” of its response to her management evaluation request, which may have contributed to the Applicant’s late filing of her application with the UNDT. Nevertheless, the UNDT found that ignorance of the law cannot be invoked as an excuse and staff members are deemed to be aware of the rules governing their employment, including those relating to the administration of justice. The application was dismissed as not receivable *ratione materiae* and *ratione temporis*.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member with the United Nations Development Programme (“UNDP”) in Haiti, contests the decision not to renew her 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. Ignorance of law: Ignorance of the law cannot be invoked as an excuse and staff members are deemed to be aware of the rules governing their employment, including those relating to the administration of justice. Suspension/waiver of the time limits: UNDP has no legal authority to suspend or extend the deadline for the filing of an application with the Dispute Tribunal. The

time limits for filing before the Tribunal are stipulated in the Statute of the Tribunal, and the authority to suspend or waive them rests solely with the Dispute Tribunal, as results from art. 8.3 of the Statute and arts. 7.5 and 35 of the Rules of Procedure.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Babiker

Entity

UNDP

Case Number(s)

UNDT/NY/2014/48

Tribunal

UNDT

Registry

New York

Date of Judgement

2 Nov 2018

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Non-renewal

Separation from service

Applicable Law

Staff Rules

- Rule 11.2

UNDT RoP

- Article 35
- Article 7.5

UNDT Statute

- Article 8.1
- Article 8.3

Related Judgments and Orders

2010-UNAT-036

2010-UNAT-043

2010-UNAT-067

2010-UNAT-073

2010-UNAT-074

2010-UNAT-079

2011-UNAT-180

2011-UNAT-108

2011-UNAT-184

2012-UNAT-191

2012-UNAT-211

2012-UNAT-218

2012-UNAT-260

2012-UNAT-271

2013-UNAT-313

2013-UNAT-335

2013-UNAT-345

2013-UNAT-349

2015-UNAT-539