

# UNDT/2016/018, Faust

## UNAT Held or UNDT Pronouncements

Management evaluation: the requirement of filing a request for management evaluation prior to submitting an application before the Tribunal has been invariably upheld by the Appeals Tribunal. The Tribunal has no jurisdiction to either waive the deadlines for the filing of requests for management evaluation with the MEU or make any exception to it; therefore, the Tribunal is incompetent to review decisions which have not been subjected to management evaluation. Technical bodies: as per staff rule 11.2(b), technical bodies are determined by the Secretary-General. Absent such determination, specialized training alone, if any, does not suffice to qualify as a technical body.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Executive Secretary, UNFCCC, to take no further action, after investigation, on her complaint for prohibited conduct under ST/SGB/2008/5 and, as a result, to close the case. In her application, the Applicant admitted not having requested management evaluation of the decision in question, and provided reasons for her direct submission to the Tribunal, e.g. inter alia, that the contested decision was based on advice from a specialized body (an investigation panel). The Tribunal found that management evaluation was a mandatory requirement prior to filing an application to the Tribunal.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Faust

## Entity

UNFCCC

## Case Number(s)

UNDT/GVA/2016/6

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

10 Mar 2016

## Duty Judge

Judge Downing

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Investigation

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (ratione materiae)

## Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNFCCC Secretariat Bulletin B/2011/1

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Rules

- Rule 11.2
- Rule 11.2(b)

UNDT RoP

- Article 9

UNDT Statute

- Article 8.1(c)
- Article 8.3

## Related Judgments and Orders

UNDT/2013/141

UNDT/2013/147

2013-UNAT-313

2013-UNAT-335

UNDT/2014/027

UNDT/2015/036

2013-UNAT-338

2015-UNAT-558

2014-UNAT-479

2010-UNAT-036

2010-UNAT-072

2010-UNAT-074

2011-UNAT-108

2011-UNAT-169

2012-UNAT-191