

UNDT/2016/019, Monarawila

UNAT Held or UNDT Pronouncements

After conducting case management and issuing a number of orders, the Tribunal considered that the Applicant had identified four decisions and/or issues for consideration: (a) a decision in 2010 in which she was denied the full period of annual leave that she had requested; (b) an implied decision or decisions not to provide her with a job description in a timely manner; (c) an implied decision or decisions not to reduce her workload despite awareness on the part of management that she was suffering from health issues; and (d) whether she should be awarded compensation for the effect of the above decisions on her health. The Tribunal found that the first decision was time-barred in accordance with art. 8.4 of the Statute. The second and third decisions were not clearly identified in the Applicant's request for management evaluation and were therefore not receivable. Finally, the Tribunal found that the Applicant had not submitted a request for compensation for service-incurred injury and had not identified an administrative decision regarding her health issues. The Tribunal ordered costs against the Applicant in the amount of USD500 for manifest abuse of proceedings.

Decision Contested or Judgment/Order Appealed

The Applicant, an Administrative Assistant at the G-7 level at the United Nations Joint Staff Pension Fund, did not clearly identify the contested administrative decision(s) in her application. After conducting case management and issuing a number of orders, the Tribunal considered that the Applicant had identified four decisions and/or issues for consideration: (a) a decision in 2010 in which she was denied the full period of annual leave that she had requested; (b) an implied decision or decisions not to provide her with a job description in a timely manner; (c) an implied decision or decisions not to reduce her workload despite awareness on the part of management that she was suffering from health issues; and (d) whether she should be awarded compensation for the effect of the above decisions on her health. The Tribunal found that the first decision was time-barred in accordance with

art. 8.4 of the Statute. The second and third decisions were not clearly identified in the Applicant's request for management evaluation and were therefore not receivable. Finally, the Tribunal found that the Applicant had not submitted a request for compensation for service-incurred injury and had not identified an administrative decision regarding her health issues. The Tribunal ordered costs against the Applicant in the amount of USD500 for manifest abuse of proceedings.

Legal Principle(s)

Staff member must clearly define the contested decision(s) in request for management evaluation. The Administration cannot be expected to review a chronology of events occurring over a number of years and guess every decision, explicit or implied, that a staff member wishes to contest. As held by the Appeals Tribunal, it is essential for a staff member to clearly identify the decision or decisions that he or she is contesting when submitting a request for management evaluation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Monarawila

Entity

UNJSPF

Case Number(s)

UNDT/NY/2015/24

Tribunal

UNDT

Registry

New York

Date of Judgement

10 Mar 2016

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Procedure (first instance and UNAT)

Case management

Applicable Law

Staff Rules

- Appendix D

UNDT RoP

- Article 28.2

UNDT Statute

- Article 10.6
- Article 8.1
- Article 8.3
- Article 8.4

UNAT Statute

- Article 2.1(a)