

UNDT/2016/025, Asomaning

UNAT Held or UNDT Pronouncements

The UNDT found that the first case (UNDT/NY/2015/038) was not receivable due to the Applicant's failure to comply with the relevant time limit for the filing of her request for management evaluation. The UNDT found that the second case (UNDT/NY/2015/038) was also not receivable as the Applicant's argument that her earlier evaluation request (to which she received no reply) should be considered as the applicable management evaluation request would have resulted in her application being time-barred by several months.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of the United Nations Stabilization Mission in Haiti ("MINUSTAH") filed two applications. The first application was in relation to the decisions not to renew her appointment beyond 28 February 2015 and to advertise her post on a "disqualifying basis", i.e., on a recruit-from-roster basis. The second application concerned the same decisions and was filed by the Applicant to address receivability objections in relation to her belated management evaluation request.

Legal Principle(s)

Time limits for management evaluation: The United Nations Appeals Tribunal has consistently held that the Dispute Tribunal does not have jurisdiction, pursuant to art. 8.3 of its Statute, to waive or extend the deadlines for management evaluation requests. Reiterations of administrative decisions: Reiterations or repetitions of the same administrative decision in response to the Applicant's communications do not reset the clock with respect to the applicable time limits in which the original decision is to be contested. Exceptional circumstances, reliance on erroneous legal advice. The Applicant's possible reliance on erroneous advice from OSLA cannot bring the case within the ambit of an "exceptional case" as provided for by art. 8.3

of the Dispute Tribunal's Statute.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Asomaning

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2015/38

UNDT/NY/2015/39

Tribunal

UNDT

Registry

New York

Date of Judgement

23 Mar 2016

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Temporal (ratione temporis)

Non-renewal

Separation from service

Applicable Law

Staff Rules

- Rule 11.2
- Rule 11.4

UNDT Statute

- Article 8.1
- Article 8.3