

# **UNDT/2016/098, Omwanda**

## UNAT Held or UNDT Pronouncements

The Tribunal issued a summary judgment dismissing the application as premature and not receivable. The Applicant had not waited for the outcome of his request for management evaluation or the expiration of the 30-day time limit for the Management Evaluation Unit to respond to the request.

## Decision Contested or Judgment/Order Appealed

The Applicant, a former Security Officer in the Department of Safety and Security, filed an application concerning his termination indemnity payment.

## Legal Principle(s)

On premature filing of the applicationIn the present case, the Applicant has filed an application on the merits before receiving a response to his request for management evaluation, and before the time limit for providing such a response has expired. As noted by the Appeals Tribunal, the management evaluation process provides the Administration an opportunity to resolve disputes before they reach the Dispute Tribunal. Allowing applicants to circumvent this process and file applications with the Tribunal before the deadline for a response to a request for management evaluation has passed would contravene the Tribunal's Statute and Rules of Procedure, undermine the time lines set out in the Staff Rules, and would be contrary to the intentions of the General Assembly.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Omwanda

## Entity

DSS

## Case Number(s)

UNDT/NY/2016/29

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

8 Jul 2016

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

## Applicable Law

## Staff Rules

- Rule 11.2
- Rule 11.4

## UNDT RoP

- Article 7

## UNDT Statute

- Article 8