

UNDT/2016/122, Nielsen

UNAT Held or UNDT Pronouncements

The Dispute Tribunal rejected the application as irreceivable *ratione materiae* and *ratione temporis*, on the grounds that the applicant did not submit a request for management evaluation of the contested decision within the applicable deadline, and that the application was filed more than three years after receipt of the contested decision. Identification of the contested decision: As the Appeals Tribunal held in Massabni 2012-UNAT-238, it is part of the duties and of the inherent powers of a Judge to adequately interpret and comprehend the applications submitted by the parties, and to “identify what is in fact being contested”. In practice, this is all the more important when the Applicant is self-represented and not legally trained. Time limit to submit an application to the Dispute Tribunal: Pursuant to art. 8.4 of the Dispute Tribunal’s Statute, an application is irreceivable *ratione temporis* when it is filed more than three years after receipt of the contested decision. Abuse of process: A repeated failure to observe the minimal requirements for filing an application may lead the Tribunal to award costs against an applicant to prevent an abuse of proceedings.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision of the Office of Audit and Investigations (“OAI”), UNDP, not to initiate an investigation into her complaint of harassment against a former colleague.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nielsen

Entity

UNDP

Case Number(s)

UNDT/GVA/2016/83

Tribunal

UNDT

Registry

Geneva

Date of Judgement

13 Sep 2016

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.2

UNDT RoP

- Article 8.2
- Article 9

UNDT Statute

- Article 8.1(ii)(c)
- Article 8.3
- Article 8.4

Related Judgments and Orders

2013-UNAT-313

2013-UNAT-335

2012-UNAT-238

2010-UNAT-036

2010-UNAT-072

2010-UNAT-074

2011-UNAT-108

2010-UNAT-043

2013-UNAT-394

2013-UNAT-385

2013-UNAT-308

2014-UNAT-470

2015-UNAT-557

2014-UNAT-402

2015-UNAT-542