

UNDT/2016/218, Nielsen

UNAT Held or UNDT Pronouncements

The Applicant failed to identify the administrative decision she is contesting and from the Tribunal's examination of the documents received, it is not possible to clearly define the administrative decision that she wishes to contest. Furthermore, the Applicant did not request management evaluation of an administrative decision, if any. It follows that the present application is not receivable, *ratione materiae*, and the Tribunal is not competent to adjudicate the matter. The above is a matter of law, which may be adjudicated even without serving the application to the Respondent for reply, and even if it was not raised by the parties.

Decision Contested or Judgment/Order Appealed

The Applicant filed an "application on extension [of] deadline in UN [Joint Staff] Pension Fund ["UNJSPF"] for [her] pension contribution".

Legal Principle(s)

The Tribunal is competent to hear and pass judgement on an application filed by an individual "[t]o appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment". An administrative decision "is a unilateral decision taken by the Administration in a precise individual case (individual administrative act) which produces direct legal consequences to the legal order". For an application to be receivable, the applicant must first submit a request for management evaluation within the applicable time limit, which is "60 calendar days from the date on which the staff member received notification of the administrative decision to be contested". An application is not receivable *ratione materiae*, if the Applicant failed to file a (timely) management evaluation. In addressing issues of receivability, it is appropriate for the Dispute Tribunal to proceed by way of summary judgment under art. 9 of its Rules of Procedure.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nielsen

Entity

UNFPA

Case Number(s)

UNDT/GVA/2016/101

Tribunal

UNDT

Registry

Geneva

Date of Judgement

20 Dec 2016

Duty Judge

Judge Downing

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

United Nations Joint Staff Pension Fund (UNJSPF)

Applicable Law

Staff Rules

- Rule 11.2

UNDT RoP

- Article 9

UNDT Statute

- Article 2.1
- Article 8.1

Related Judgments and Orders

2013-UNAT-304

2012-UNAT-238

2014-UNAT-402

2013-UNAT-313

2013-UNAT-335

2015-UNAT-557