

# **UNDT/2017/002, Kuai**

## **UNAT Held or UNDT Pronouncements**

The Applicant failed to file a request for management evaluation of the nonrenewal decision within the applicable deadline. This claim was not receivable. The Applicant had in his management evaluation request of 12 July 2015 already accomplished the requirements set out in CF/EXD/2012-007 in relation to his complaints of bullying, harassment, intimidation and abuse of authority against his supervisor and the UNICEF Country Representative. As held in Kadri, the Applicant was entitled to a fair hearing and a fully reasoned judgment of his application. The Applicant's claims in relation to the allegations of bullying, harassment, intimidation and abuse of authority against his supervisor and the UNICEF Country Representative were properly before the Tribunal and were receivable.

## **Decision Contested or Judgment/Order Appealed**

The Applicant was challenging what he described as the termination of his fixedterm appointment. In his application, the Applicant made several allegations of bullying, harassment, intimidation and abuse of authority against his supervisor and the UNICEF Country Representative.

## **Legal Principle(s)**

Staff rule 11.2(a) provides that a staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision. In accordance with staff rule 11.2(c), a request for a management evaluation shall not be receivable unless it is sent within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested. Staff rule 11.4(a) stipulates that a staff member may file an

application against a contested administrative decision, whether or not it has been amended by any management evaluation, with the UNDT within 90 calendar days from the date on which the staff member received the outcome of the management evaluation or from the date of expiration of the deadline specified under staff rule 11.2 (d), whichever is earlier. The Applicant's case was one of non-renewal of contract and not a termination which has different legal ramifications.

## Outcome

Dismissed as not receivable

## Outcome Extra Text

The Applicant failed to file a request for management evaluation of the nonrenewal decision within the applicable deadline. This claim was not receivable. The Applicant's claims in relation to the allegations of bullying, harassment, intimidation and abuse of authority against his supervisor and the UNICEF Country Representative were properly before the Tribunal and were receivable.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Kuai

## Entity

UNICEF

## Case Number(s)

UNDT/NBI/2015/171

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

7 Jan 2017

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)  
Management Evaluation

## Applicable Law

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)
- Rule 11.2(d)
- Rule 11.4(a)