

UNDT/2017/015, Muhsen

UNAT Held or UNDT Pronouncements

The Tribunal was mindful of the fact that its authority to suspend or waive the time limits set forth in art. 8.3 of the UNDT Statute did not extend to deadlines for management evaluation. These deadlines cannot be waived notwithstanding whether the failing of the deadline would have been occasioned by confusing information received from the Administration. As provided in staff rule 11.2(c), the deadline for requesting management evaluation may only be extended by the Secretary-General pending efforts for informal resolution conducted by the Office of the Ombudsman, under conditions specified by the Secretary-General, which is not the case here. The Tribunal found that the application was not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant was contesting the decision about his recourse following the 2013 UNHCR promotions session.

Legal Principle(s)

Pursuant to UNDT Statute art. 8.1(c), management evaluation is an obligatory step to take prior to requesting judicial review of an administrative decision alleged to be in non-compliance with a staff member's contract of employment or terms of appointment. Similarly, staff rule 11.2(a) provides that a staff member wishing to formally contest such an administrative decision 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 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.

Outcome

Dismissed as not receivable

Outcome Extra Text

The decision should have been first submitted for management evaluation and since it was not the Tribunal found that the application was not receivable.

Full judgment

[Full judgment](#)

Applicants/Appellants

Muhsen

Entity

UNHCR

Case Number(s)

UNDT/NBI/2016/027

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

8 Mar 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 (c)
- Rule 11.2(a)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

2017-UNAT-793