

UNDT/2017/016, Zeb

UNAT Held or UNDT Pronouncements

Request for management evaluation: A request for management evaluation has a precise and specific meaning in the framework of the Organization's internal justice system. It is the first step in formal contestation of an administrative decision and, as such, a mere communication conveying discontent to "management" does not amount to a formal management evaluation request. Management evaluation is a formal process involving a request to the body specifically vested with the authority to look into a contested decision, to consider whether it conformed with the applicable rules of the Organization. **Rejection of an irreceivable application:** The fact that an application is rejected as irreceivable for want of a management evaluation request in no manner precludes the applicant from undertaking the formal management evaluation step to the MEU, nor from filing a new application against the same decision once he/she has gone through the management evaluation process, subject to the applicable mandatory time limits.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision not to consider his application for a post in UNODC in Afghanistan. Although the Tribunal doubted the Applicant's standing to institute legal proceedings—because he appeared to no longer be a staff member since the end of 2015, and his grievance did not concern his former conditions of service but a candidacy to a post advertised after the end of his service—it lacked reliable information to make a firm finding on this point. The UNDT, nonetheless, declared the application irreceivable *ratione materiae* since the Applicant had not previously submitted a request for management evaluation. Indeed, he had merely addressed an email to management showing discontent with the decision. Such a communication did not amount to a formal management evaluation request.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Zeb

Entity

UNODC

Case Number(s)

UNDT/GVA/2017/6

Tribunal

UNDT

Registry

Geneva

Date of Judgement

9 Mar 2017

Duty Judge

Judge Bravo

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Rules

- Rule 11.2

UNDT RoP

- Article 9

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2013/141

UNDT/2013/147

2013-UNAT-313

2013-UNAT-335

UNDT/2014/027

UNDT/2015/001

2012-UNAT-273

2013-UNAT-338

2010-UNAT-049

2011-UNAT-108

2014-UNAT-402