

UNDT/2017/030, Kalashnik

UNAT Held or UNDT Pronouncements

The Tribunal dismissed the application as not receivable *ratione materiae*.

Decision Contested or Judgment/Order Appealed

The Applicant, an Investigator at the P-3 level step 14 in the Investigations Division, OIOS, challenged the fact that the USG/DM did not ensure that MEU properly reviewed his requests for management evaluation.

Legal Principle(s)

A management evaluation decision is not an appealable decision: The management evaluation process is an opportunity for the Administration to correct an administrative decision, including an implied administrative decision, such as a non-response or an omission, so as to avoid judicial review. Whilst a staff member is enjoined to file a request for management evaluation, there is no commensurate responsibility for the administration to respond. The Administration's response, or lack thereof, to a request for management evaluation is not a reviewable decision. The application is therefore not receivable *ratione materiae*.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Kalashnik

Entity

OIOS

Case Number(s)

UNDT/NY/2016/27

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Apr 2017

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)