

UNDT/2017/038, Ho

UNAT Held or UNDT Pronouncements

Since the receivability of an application is a question of law, the Tribunal considers that it is appropriate to make use of art. 9 of its Rules of Procedure, and to decide on the application by way of summary judgment, without transmitting it to the Respondent. Upon taking up her functions as a Programme Management Officer at UNFCCC on 8 November 2012, the Applicant knew about her step in grade, as per her offer of appointment of 24 September 2012. Since the Applicant filed her request for management evaluation against the determination of her step upon recruitment with UNFCCC four years after assuming functions at the P-3, step 1 level—namely well after the statutory 60-day deadline—her application is irreceivable, *ratione materiae*.

Decision Contested or Judgment/Order Appealed

The Applicant contests an “error in salary step determination”.

Legal Principle(s)

Pursuant to art. 2.1 of its Statute, the Tribunal has jurisdiction to consider applications only against administrative decisions for which, where required, an Applicant has first filed a timely request for management evaluation with the Management Evaluation Unit and, subsequently, also filed a timely application with the Tribunal. Pursuant to art. 8.3 of its Statute, the Dispute Tribunal has no discretion to waive the deadline for management evaluation or administrative review. “[U]nawareness” or “ignorance of the law is not an excuse” for a staff member to fail to comply with statutory time limits. It is a staff member’s responsibility to ensure that he or she is aware of the applicable procedure in the context of the internal system of administration of justice. Finally, the reiteration of an original administrative decision, if repeatedly questioned by a staff member, does

not reset the clock with respect to the statutory time limits, which start to run from the date of the original decision.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Ho

Entity

UNFCCC

Case Number(s)

UNDT/GVA/2017/26

Tribunal

UNDT

Registry

Geneva

Date of Judgement

31 May 2017

Duty Judge

Judge Bravo

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Management Evaluation

Time limit

Salary

Salary scales

Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT RoP

- Article 9

UNDT Statute

- Article 2.1
- Article 8.3

Related Judgments and Orders

UNDT/2017/013

UNDT/2016/213

2013-UNAT-313

2013-UNAT-335

2014-UNAT-402

2011-UNAT-108

2010-UNAT-043

2011-UNAT-158
2013-UNAT-308
2015-UNAT-520
2010-UNAT-036
2012-UNAT-260
2013-UNAT-368
2010-UNAT-067
2012-UNAT-211
2014-UNAT-472
2015-UNAT-521
2010-UNAT-079
2012-UNAT-196
2012-UNAT-271