

UNDT/2017/059, Monticelli

UNAT Held or UNDT Pronouncements

The Tribunal is required to factually find that the decision that is impugned before it is in the process of being administratively reviewed. A preliminary finding to this effect is a prerequisite for litigation before this Tribunal. The record before the Tribunal did not show that a request for management evaluation had been filed by the Applicant. The Applicant was given the opportunity to address this situation and correct it, but did not. The application therefore was found incompetent and the only option open to the Tribunal was to summarily dismiss it for want of management evaluation.

Decision Contested or Judgment/Order Appealed

The Applicant sought to challenge the Respondent's decision to deny him the payment of entitlements.

Legal Principle(s)

It is settled law that the filing of a request for management evaluation is a mandatory first step in the process leading to a judicial determination on the merits.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Monticelli

Entity

BINUB

Case Number(s)

UNDT/NBI/2017/052

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

21 Jul 2017

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Management Evaluation

Applicable Law

UNDT Statute

- Article 8