

UNDT/2017/075, Abou Hamia

UNAT Held or UNDT Pronouncements

The contested administrative decision was communicated to the Applicant on 9 August 2016. The Applicant had 60 days thereafter to request management evaluation. In other words, the Applicant had until 8 October 2016 to submit a management evaluation request. From the record, the Applicant requested management evaluation on 8 February 2017 and therefore did so out of time. It follows that the Applicant's claim was not receivable, and that the Tribunal had no jurisdiction to consider the respective contentions of the parties on the merits of the case.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to place him on unpaid leave since July 2016.

Legal Principle(s)

Pursuant to art. 8.1(i)(c) of the UNDT Statute and staff rule 11.2(c), for an application to be receivable, an applicant must first request management evaluation of the contested decision and the said request for management evaluation must be made within specified timelines. It is also settled law that the time limit of 60 days for requesting management evaluation begins to run from the date of notification of the decision being challenged. The Tribunal does not have power to waive the deadlines for the filing of requests for management evaluation or to make any exception to it.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Abou Hamia

Entity

DESA

Case Number(s)

UNDT/NBI/2017/055

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

13 Sep 2017

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)
Management Evaluation

Applicable Law

UNDT Statute

- Article 8.1(c)