

UNDT/2018/064, Angelova et al.

UNAT Held or UNDT Pronouncements

Making a determination as to what constitutes a technical body is not the function of the Dispute or Appeals Tribunals. The exercise of discretion in reliance on technical bodies might be subject to judicial review only indirectly, through impact that such advice had on individual decisions. Considered that the ICSC was not a technical body for the purpose of exempting the impugned decision from the management evaluation requirement, the impugned decision should have been submitted for management evaluation. Although staff rule 11.2 and art. 8 of UNDT Statute require only “requesting” management evaluation and not actually obtaining it, the Appeals Tribunal stressed the obligation to await management evaluation, which process provides the Administration an opportunity to correct any errors in an administrative decision and resolve disputes without the necessity to involve judicial review. Moreover, another rationale noted by the Appeals Tribunal for management evaluation and the attendant requirement to wait for the period necessary to obtain it, is that it provides for the applicant an opportunity to consider reasons on the part of the Administration prior to drafting and filing of the application and in this way fosters rationality and completeness of the argument before the Tribunal.

Decision Contested or Judgment/Order Appealed

The Applicants were requesting the rescission of the Organization’s decision dated 19/20 July 2017 to implement a post adjustment change in the Geneva duty station which resulted in a pay cut. They also sought compensation for ay loss accrued.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Outcome Extra Text

The application, which had been filed without awaiting the result of management evaluation (or expiry of the time limit for it), remained not receivable also after the management evaluation had been issued.

Full judgment

[Full judgment](#)

Applicants/Appellants

Angelova et al.

Entity

UNHCR

Case Number(s)

UNDT/NBI/2017/123

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

8 Jun 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8