

UNDT/2018/117, Onyang

UNAT Held or UNDT Pronouncements

The Applicant indicated on page 4 of his application that he received the response to his management evaluation request on 21 June 2018. Thus, to be in compliance with art. 8.1(d)(i)(a) of the UNDT Statute, the Applicant should have filed his application to the UNDT by 19 September 2018 but he did not do so until 6 October 2018, more than two weeks after the statutory deadline, to file his application. The Tribunal held that the application was time-barred due to the Applicant's failure to file his application within the established time limits. Although the Applicant made considerable effort in his application to highlight the amount of time he spent communicating with OSLA, this had no effect on the fact that the application was time barred. It was evident that OSLA informed him as early as 11 July 2018 that it could neither assist nor represent him and on 6 September that he could retain external legal counsel at his own cost or file an application to the UNDT on his own. Instead of the Applicant immediately approaching the Tribunal, he decided to engage OSLA and OHRM in a fruitless back and forth exercise.

Decision Contested or Judgment/Order Appealed

The Applicant contested a decision from the Office of Human Resources Management (OHRM) not to convoke him to the oral examination for the 2017 Young Professionals Programme (YPP).

Legal Principle(s)

Staff rule 11.4(a) provides that: a staff member may file an application against a contested administrative decision, whether or not it has been amended by any management evaluation, with the United Nations Dispute Tribunal within 90 calendar days from the date on which the staff member received the outcome of the management evaluation or from the date of expiration of the deadline specified under staff rule 11.2 (d), whichever is earlier. Art. 8.1(d)(i)(a) of the UNDT Statute provides that in cases where management evaluation of the contested decision is required, an application shall be receivable if it is filed within 90 calendar days of the applicant's receipt of the response from management to his or her request for management evaluation. The United Nations Appeals Tribunal has consistently and strictly enforced the time limits for filing applications and appeals simply because strict adherence to filing deadlines assures the timely hearing of cases and rendering of judgments.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Onyang

Entity

UNAMID

Case Number(s)

UNDT/NBI/2018/103

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

27 Nov 2018

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Rules

- Rule 11.4(a)

UNDT Statute

- Article 8.1(a)
- Article 8.1(d)(i)(a)