

UNDT/2018/120, Olubowale

UNAT Held or UNDT Pronouncements

The Applicant was notified of his non-selection on 7 December 2016. Yet, he requested management evaluation only on 11 April 2017.; Paragraph 119 of UNHCR's Revised Policy and Procedures on Assignments (UNHCR/HCP/2015/2/Rev.1) provides that: "Staff members who have reasons to believe that they have not been given full and fair consideration for a particular decision, have; the right to be provided, upon request, with information on the process which led to that particular decision". Its purpose is merely to establish a duty for the Administration to provide non-successful candidates, upon their request, with documents with respect to a particular selection process. The Tribunal sees no legal basis to sustain that this provision created a legal waiver or suspension of the statutory deadline contained in staff rule 11.2(c).; The impact, if any, of a policy issued after the events of the dispute—which was not in force at the material time—is immaterial for the determination of the present application and any argument in that respect will not be entertained by this Tribunal.; It results from the foregoing, that the present application is irreceivable *ratione materiae*.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision not to select him for the position of Head of SubOffice (P-5), Jam Jang in South Sudan.

Legal Principle(s)

The Tribunal has jurisdiction to consider applications only against an administrative decision for which an applicant has timely requested management evaluation, when required.; Statutory time limits have to be strictly enforced and pursuant to art. 8.3 of its Statute, the Dispute Tribunal has no authority to waive the deadline for management evaluation or administrative review.; Receipt of information concerning

the rationale for an earlier notified administrative decision does not reset the statutory time-limits.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Olubowale

Entity

UNHCR

Case Number(s)

UNDT/GVA/2017/55

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 Dec 2018

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (ratione materiae)

Staff selection (non-selection/non-promotion)

Applicable Law

Laws of other entities (rules, regulations etc.)

- UNHCR Procedure on Assignments (UNHCR/HCP/2015/2/Rev.1)

Staff Rules

- Rule 11.2 (c)

UNDT Statute

- Article 8.3

Related Judgments and Orders

2014-UNAT-402

2010-UNAT-043

2011-UNAT-158

2013-UNAT-308

2010-UNAT-036

2013-UNAT-368

2014-UNAT-406