

UNDT/2019/087, Atuya

UNAT Held or UNDT Pronouncements

UNDT noted that the Applicant had all the information necessary to seek management evaluation of the contested decisions and that the time limit for seeking management evaluation started running on 31 March 2018, which meant that the 60-day deadline for submitting a management evaluation request was 30 May 2018. The Applicant sought management evaluation of the decisions only on 29 June 2018, 29 days out of time. UNDT agreed with the Respondent that the Applicant's claim that she was unable to "deal with the issue until she was released from the medical facility" on 28 May 2018 was unsupported and, in any event, it is trite law that UNDT cannot suspend or waive the deadlines for management evaluation. UNDT accordingly dismissed the application as irreceivable.

Decision Contested or Judgment/Order Appealed

The Applicant contested the 27 March 2018 decisions to: "lure and detain" her at the United Nations Level II clinic in Bangui; and to medically evacuate her to her home country of Kenya.

Legal Principle(s)

To be reviewable, an administrative decision must have the key characteristic in that it must "produce direct legal consequences" affecting a staff member's terms or conditions of appointment. What constitutes an administrative decision will depend on the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision. An administrative decision must have a "direct" impact and not be only a prefatory act for subsequent decisions. UNDT cannot suspend or waive the deadlines for management evaluation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Atuya

Entity

MINUSCA

Case Number(s)

UNDT/NBI/2018/99

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

20 May 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation
Management Evaluation
Time limit
Applicable Law
Staff Rules

- Rule 11.2(c)

UNDT Statute
UNAT Statute

- Article 2.1(a)

Related Judgments and Orders
2020-UNAT-984