

UNDT/2019/127, Abdelkader

UNAT Held or UNDT Pronouncements

The Applicant was initially informed of the contested decision by memorandum dated 3 June 2013 and admitted in her application that she did not request management evaluation of such decision. The 21 November 2016 response from the Chief, RSCE to the Applicant's request to be paid a relocation grant in relation to her transfer in 2013 is not a new administrative decision that "resets the clock" for the purpose of requesting management evaluation. After having carefully reviewed the 21 November 2016 memorandum, the Tribunal concluded that it did not constitute a new decision since it did not add any new argument, nor did it include or consider any new facts. It is a mere reiteration of the initial decision dated 3 June 2013. A reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to statutory timelines. As a consequence, the Tribunal dismissed the application for two reasons: first, the Applicant did not request management evaluation within 60 days of the 3 June 2013 decision and, second, she filed her application more than three years after she was notified of the contested decision, in breach of art. 8.4 of the Tribunal's Statute.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to pay her a relocation grant following her reassignment from Bunia to Entebbe in June 2013.

Legal Principle(s)

Management evaluation is a compulsory requirement to have access to the internal justice system. The only exceptions held in the internal legal framework are disciplinary cases and decisions taken pursuant to the advice of a technical body (see Servas 2013-UNAT-349). There must be a timely request for management evaluation prior to submitting an application to the Tribunal (see Dzuverovic 2013-UNAT-338 and Kouadio 2015-UNAT-558). 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 (see Costa 2010-UNAT-036 and Christensen 2013-UNAT-335).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdelkader

Entity

MONUSCO

Case Number(s)

UNDT/GVA/2019/015

Tribunal

UNDT

Registry

Geneva

Date of Judgement

15 Jul 2019

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/2006/5

Other UN issuances (guidelines, policies etc.)

- MONUSCO Information Circulars

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.4

Related Judgments and Orders

UNDT/2016/071

UNDT/2016/072

UNDT/2016/073

UNDT/2016/074

UNDT/2016/075

UNDT/2016/076

UNDT/2016/077

UNDT/2016/078

UNDT/2016/079

UNDT/2016/080

UNDT/2016/081

UNDT/2016/082

UNDT/2016/083

2013-UNAT-349

2013-UNAT-338

2015-UNAT-558

2010-UNAT-036

2013-UNAT-335

2012-UNAT-273

2013-UNAT-296

2015-UNAT-566