

UNDT/2019/169, Dorra

UNAT Held or UNDT Pronouncements

The Applicant did not raise the refusal to grant an exception to an eligibility criterion for the Applicant to be considered for a continuing appointment in his request for management evaluation, therefore, the application was not receivable. Even if the Tribunal considered that the Applicant was contesting the decision not to grant him a continuing appointment in the present application, the application was not receivable as time-barred. Under staff rule 11.2(c), the statutory time limit for requesting a management evaluation is within 60 days from the notification of the contested decision.

Decision Contested or Judgment/Order Appealed

The refusal of the Administration to grant an exception to an eligibility criterion for the Applicant to be considered for a continuing appointment.

Legal Principle(s)

The Dispute Tribunal is competent to raise a receivability issue on its own initiative, whether or not it has been raised by the parties. The Dispute Tribunal has no competence to address the allegations not raised in the management evaluation request. The reiteration of a challenge to an administrative decision does not reset the clock with respect to the statutory timelines rather, the time starts to run from the date the original decision was made.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Dorra

Entity

UNMISS

Case Number(s)

UNDT/NY/2019/059

Tribunal

UNDT

Registry

New York

Date of Judgement

25 Nov 2019

Duty Judge

Judge Belle

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Applicable Law

Staff Rules

- Rule 11.2 (c)

UNDT Statute

- Article 8.1

Related Judgments and Orders

2015-UNAT-540

2011-UNAT-182

2010-UNAT-079

2012-UNAT-196

2015-UNAT-546

2015-UNAT-557