

UNDT/2020/060, Cherneva

UNAT Held or UNDT Pronouncements

The Tribunal reviewed the present application and found that it was not receivable *ratione temporis* and *ratione personae*. In accordance with art. 8.4 of the Tribunal's Statute and art. 7.6 of its Rules of Procedure, an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision. The Applicant clearly indicated in her application that the contested decision dated back to 2010 and, in such circumstances, her application was not receivable *ratione temporis*. Furthermore, the Tribunal observed that while the Applicant indicated in her application that she was a staff member of the Organization, she contested, in fact, a decision related to her status as a Consultant. However, pursuant to articles 2.1 and 3.1 of the Tribunal's Statute, the status of a staff member is a necessary condition for access to the Tribunal. The Tribunal therefore found that the Applicant had no standing to contest the alleged decision and that her application must also be denied on the grounds that it was not receivable *ratione personae* pursuant to art. 3.1 of the Tribunal's Statute.

Decision Contested or Judgment/Order Appealed

The Applicant contested a decision concerning the payment of her work as a Consultant in the United Nations Environment Programme ("UNEP") in 2010.

Legal Principle(s)

The Tribunal has, on several occasions, considered matters of receivability on a priority basis without first transmitting a copy of the application to the Respondent or awaiting the Respondent's reply before taking action to consider the claim (Hunter UNDT/2012/036, Milich UNDT/2013/007, Masyllkanova UNDT/2013/033, Kalpokas Tari UNDT/2013/180, Karambizi UNDT/2018/001, Madi UNDT/2018/006, Nwogu UNDT/2018/041 and Morales UNDT/2019/158). The UNDT is competent to

review its own competence or jurisdiction in accordance with Article 2(6) of its Statute when determining the receivability of an application (Christensen 2013-UNAT-335).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Cherneva

Entity

UNEP

Case Number(s)

UNDT/GVA/2020/007

Tribunal

UNDT

Registry

Geneva

Date of Judgement

27 Apr 2020

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Temporal (ratione temporis)

Applicable Law

UNDT RoP

- Article 10
- Article 7.6
- Article 8.4

UNDT Statute

- Article 2.1
- Article 2.6
- Article 3.1
- Article 8.4

Related Judgments and Orders

UNDT/2012/036

UNDT/2013/007

UNDT/2013/033

UNDT/2013/180

UNDT/2018/001

UNDT/2018/006

UNDT/2018/041

UNDT/2019/158

2013-UNAT-335

2011-UNAT-139