

UNDT/2020/073, Cherneva

UNAT Held or UNDT Pronouncements

The Tribunal reviewed the application and found that it was not receivable *ratione temporis*. The Tribunal noted that while the Applicant contested a decision that took place in late 2010, she only filed an application with the Tribunal in January 2020, that is almost nine years later. The record showed the Applicant requested management evaluation of the contested decision on 30 January 2020, and she received a response on 31 January 2020, informing her that her request was time-barred. The same day, she filed an application before the Tribunal. 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 had clearly indicated in her application that the contested decision dated to 2010 and, as such, the Tribunal found that her application was not receivable *ratione temporis*.

Decision Contested or Judgment/Order Appealed

The Applicant contested a decision concerning her appointment for a position of Associate Human Rights Officer at the P-2 level with the Office of the United Nations High Commissioner for Human Rights ("OHCHR") in 2010.

Legal Principle(s)

The Tribunal has, on several occasions, considered matters of receivability on a priority basis without first serving the application on the Respondent or awaiting the Respondent's reply, in order to consider the claim (Hunter UNDT/2012/036, Milich UNDT/2013/007, Masyikanova 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

OHCHR

Case Number(s)

UNDT/GVA/2020/008

Tribunal

UNDT

Registry

Geneva

Date of Judgement

21 May 2020

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Applicable Law

UNDT RoP

- Article 10
- Article 7.6

UNDT Statute

- Article 2.6
- 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