

UNDT/2020/074, 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 four decisions that took place in 2014 and 2015, she only filed an application with the Tribunal in January 2020, that is around five years later. The record showed that the Applicant requested management evaluation of the contested decisions on 30 January 2020. 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 an applicant's receipt of the contested administrative decision. The Applicant in this case clearly indicated in her application that the contested decisions dated to 2014 and 2015. Consequently, the Tribunal found that her application was not receivable *ratione temporis*.

Decision Contested or Judgment/Order Appealed

The Applicant contested her non-selection in 2014 and in 2015 to four different positions within the Office of the United Nations High Commissioner for Human Rights ("OHCHR")

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 (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 art. 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/2020/009

Tribunal

UNDT

Registry

Geneva

Date of Judgement

26 May 2020

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Staff selection (non-selection/non-promotion)

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