

UNDT/2020/098, Hammond

UNAT Held or UNDT Pronouncements

The Tribunal understands that in light of HR's emails, the Applicant could have reasonably understood by mistake that his contract would be further extended pending proceedings in his cases before the Dispute Tribunal. As the Applicant did not request management evaluation within that deadline and waited until 22 June 2019, his application is not receivable.

Decision Contested or Judgment/Order Appealed

Decision not to renew the Applicant's fixed-term appointment.

Legal Principle(s)

A timely request for management evaluation must be submitted prior to submitting an application to the Tribunal. 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. The decisive moment of notification for purposes of staff rule 11.2(c) is when all relevant facts were known, or should have reasonably been known. Staff members ought to be able to reasonably rely on the information provided by the Administration's own HR representatives. The onus is not on the staff member to know that HR representatives made a mistake in their advice. Whenever a mistake is made, the Administration has the duty to correct it.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Hammond

Entity

UNAMID

Case Number(s)

UNDT/NY/2020/018

Tribunal

UNDT

Registry

New York

Date of Judgement

29 Jun 2020

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Applicable Law

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

2018-UNAT-849

2013-UNAT-338

2015-UNAT-558

2010-UNAT-036

2013-UNAT-335

2017-UNAT-746

2013-UNAT-367