

# UNDT/2021/111, Cherneva

## UNAT Held or UNDT Pronouncements

Given that the Tribunal already adjudicated the Applicant's claim, finding it not receivable *ratione personae* for lack of standing, the present application is not receivable. The Secretary-General's response to a request for management evaluation is not an appealable administrative decision.

## Decision Contested or Judgment/Order Appealed

The Applicant contests her non-selection for a position of special procedure mandate holder in the Working Group of Experts on People of African Descent, member from Eastern European States, with the United Nations Human Rights Council.

## Legal Principle(s)

A matter between the same persons, involving the same cause of action, may not be adjudicated twice. The principle of *res judicata* does not allow an applicant to bring the same complaint to the same Tribunal again. The management evaluation provides an opportunity for the Administration to resolve a staff member's grievance without litigation, and thus its outcome does not constitute a fresh decision.

## Outcome

Dismissed as not receivable

## Outcome Extra Text

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Cherneva

## Entity

UNICEF

## Case Number(s)

UNDT/GVA/2021/050

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

22 Sep 2021

## Duty Judge

Judge Buffa

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

## Applicable Law

GA Resolutions

- A/RES/66/237
- A/RES/67/241

UNDT RoP

- Article 8.4
- Article 9

UNDT Statute

- Article 3.1(b)

## Related Judgments and Orders

UNDT/2015/074

UNDT/2012/036

UNDT/2013/007

UNDT/2013/033

UNDT/2018/001

UNDT/2019/158

UNDT/2020/074

UNDT/2021/083

UNDT/2021/089

2010-UNAT-026bis

2010-UNAT-063

2010-UNAT-066

2011-UNAT-129

2016-UNAT-661

2016-UNAT-697