

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