

# 2010-UNAT-013, Schook

## UNAT Held or UNDT Pronouncements

UNAT found that the Applicant's appeal was receivable because he was not notified of any written administrative decision on non-extension of his contract after 31 December 2007. UNAT found that UNDT ignored that the time limit of two months, required by rule 111. 2(a), begins to run "from the date the staff member received notification of the decision in writing. " As the Applicant was never communicated any written administrative decision, UNAT found that UNDT erred in holding that the appeal was not receivable. UNAT set aside UNDT's judgment and remanded the case back to UNDT to have the appeal received and decided on the merits.

## Decision Contested or Judgment/Order Appealed

The Applicant addressed a complaint to the Secretary-General regarding investigations he faced. He received a reply from the Administrative Law Unit, Office of Human Resources Management on, thereupon he appealed to the JAB, seeking a letter from the Secretary-General clearing him of misconduct, a clarification regarding his immunity, compensation for irreparable damage to his reputation, compensation for loss of income, and reimbursement of legal expenses. UNDT held that the appeal was not receivable as it was not filed within two months from the date of the decision.

## Legal Principle(s)

The two-month time limit for filing an appeal before the Joint Appeals Board (JAB) begins to run from the date the staff member received notification of the decision in writing.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Schook

## Entity

UNMIK

## Case Number(s)

2009-018

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

30 Mar 2010

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

## Applicable Law

### Staff Rules

- Rule 111.2(a)

## Related Judgments and Orders

UNDT/2009/065