

2010-UNAT-036, Costa

UNAT Held or UNDT Pronouncements

UNAT held, noting that the Appellant relied on the UNDT Rosca jurisprudence (judgment No. UNDT/2009/052) in her request for UNDT to waive the time limits for management evaluation, that the plain language of Article 8. 3 of the UNDT Statute could not be disregarded. UNAT approved judgment No. UNDT/2009/051 as the law on this issue and disapproved the interpretation of UNDT in Rosca. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant sought an extension of the time limit for her appeal regarding compensation for overtime. UNDT rejected her application on the grounds that she did not file it within two months of the receipt of the impugned decision, rather she waited almost a year to do so. UNDT held that it had no jurisdiction to waive the time limits for requests for management evaluation or requests for administrative review.

Legal Principle(s)

UNDT has no jurisdiction to waive the time limits for requests for management evaluation or requests for administrative review.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Costa

Entity

OHRM

Case Number(s)

2009-013

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2009/051

UNDT/2009/052