

2010-UNAT-049, Planas

UNAT Held or UNDT Pronouncements

UNAT held that an introductory argument concerning the content of the other party's observations or aspects of administrative conduct that was not raised at the first instance is largely inadmissible. UNAT held that UNDT was correct in finding that, as the Appellant did not contest in precise terms her non-selection for any post, she did not identify any administrative decision in her application. UNAT noted that the Appellant had at no time requested management evaluation, or sought administrative review as required under the former internal justice system. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the alleged non-application of paragraph 48(a) of the UNHCR Procedural Guidelines for Appointments, Postings and Promotions (Procedural Guidelines), which establishes the rotation eligibility requirements for appointments, postings and promotions in duty stations grouped into three categories, H/A, B/C and D/E. UNDT dismissed the application in a summary judgment, holding that the Applicant had not contested any administrative decision.

Legal Principle(s)

The appeal is not the appropriate occasion to reply to the dispute in the first instance or to introduce new elements for consideration that were not put forward at the UNDT level.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Planas

Entity

UNHCR

Case Number(s)

2010-052

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNHCR Procedural Guidelines for Appointments, Postings and Promotions

UNDT RoP

- Article 9

UNDT Statute

- Article 10
- Article 2.1
- Article 8

Related Judgments and Orders

UNDT/2009/086