

# 2010-UNAT-072, Samardzic

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had only presented arguments challenging the Administration's behaviour and the decision to terminate her contract with UNMIK. UNAT held that the Appellant had failed to demonstrate how UNDT, by judging the application not receivable and dismissing it on this ground, could have exceeded its jurisdiction, failed to exercise it, made an error of law or procedure, or made an error of fact that resulted in a manifestly unreasonable decision. UNAT held that UNDT had correctly dismissed the application as not receivable since the request for administrative review had been filed untimely. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decision to terminate her appointment as part of the UN Mission in Kosovo's (UNMIK) workforce reduction plan. UNDT addressed the application and four other similar applications in a single judgment (judgment No. UNDT/2010/019). UNDT rejected the applications on the grounds that the previous requests for administrative review were not submitted within the two-month timeframe prescribed in the former Staff Rule 111.2, applicable at the time. UNDT rejected the Applicants' submission that their ignorance of the deadlines constituted an "exceptional circumstance" justifying a suspension, abolition, or extension of time limits.

## Legal Principle(s)

A party appealing against a UNDT judgment will not succeed in obtaining the reversal or the modification of the judgment, or the referral of the case before UNAT, if the appeal does not include an argument invoking one or more of the grounds mentioned in a) to (e) of Article 2.1, of the UNAT Statute.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Samardzic

Entity

UNMIK

Case Number(s)

2010-063

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2010

President Judge

Judge Courtial

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2

UNAT RoP

- Article 8.2

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2010/019