

2011-UNAT-182, O'Neill

UNAT Held or UNDT Pronouncements

UNAT concurred with UNDT that the Appellant neither appealed the administrative decision not to select him for the post, nor challenged the selection process or the JAB's conclusion, but rather he discussed the release of a Confidential Letter which occurred after the selection process. UNAT held that UNDT was correct in finding that the appeal was not receivable with respect to the non-promotion. UNAT held that the Appellant failed to establish that UNDT committed errors warranting the reversal of its determination that his challenge to the decision to release the Confidential Letter was not receivable. UNAT held that UNDT correctly concluded that the issue related to the disclosure of the Confidential Letter arose from an administrative act that took place after the proceedings concerning the non-selection process were already underway and was an issue which constituted an independent matter that should have undergone administrative review. UNAT held that the UNDT was competent to review its own jurisdiction, whether or not it had been raised by the parties. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-promotion and the release of a confidential letter from his counsel expressing concerns and requesting an investigation of the matter to a number of staff members. UNAT held that the application was not receivable as it was time-barred.

Legal Principle(s)

To identify the grounds for judicial appeal, the party must clearly express them and include in his or her pleas the corresponding part of the judgment under appeal with specific reference to the contested administrative decision. UNDT is competent to

review its own jurisdiction, whether or not it had been raised by the parties.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

O'Neill

Entity

OIOS

Case Number(s)

2011-189

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT Statute

- Article 2
- Article 8.1(c)

Related Judgments and Orders

UNDT/2010/203