

2012-UNAT-191, Muratore

UNAT Held or UNDT Pronouncements

UNAT noted that only circumstances beyond an applicant's control that prevented them from timely exercising the right of appeal may be considered "exceptional circumstances," justifying a waiver of the statutory time limit. UNAT noted that an applicant's initial mistaken belief that decisions were lawful cannot be deemed to constitute exceptional circumstances justifying a waiver of the time limit to appeal those decisions, especially when they had every means of obtaining information from the Administration. UNAT was not persuaded by the Appellant's arguments upon appeal and did not find any error in law or in fact in UNDT's finding that the Chairperson's advisement that there was no OHCHR-OHRM agreement did not constitute an "exceptional circumstance," constituting a waiver of the two-month time limit as provided for by former Staff Rule 111.2(f). UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the recruitment procedures relating to 21 posts for which he was a candidate. UNDT dismissed his application as time-barred, as he did not request a review of the contested administrative decision within two months as required by former Staff Rule 112.2(a) and no exceptional circumstances justified a waiver of the time limit.

Legal Principle(s)

Only circumstances beyond an applicant's control that prevented them from timely exercising the right of appeal may be considered "exceptional circumstances," justifying a waiver of the statutory time limit. An applicant's initial mistaken belief that decisions were lawful cannot be deemed exceptional circumstances justifying a waiver of the time limit to appeal those decisions.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Muratore

Entity

OHCHR

Case Number(s)

2010-173

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 112.2(a)
- Rule 112.2(f)

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2010/139

2010-UNAT-067

2010-UNAT-029

2011-UNAT-108