

2012-UNAT-203, Comerford-Verzuu

UNAT Held or UNDT Pronouncements

UNAT considered Ms Comerford-Verzuu's appeal and the Secretary-General's cross-appeal, regarding whether UNDT was correct in holding that the contested decision was dated 2 August 2005 and that the request for administrative review was time-barred. UNAT found that the OIOS reply of 2 August 2005 was the administrative decision of which Ms Comerford-Verzuu was seeking a review. UNAT held that the subsequent correspondence was unwarranted and did not extend the time limit for seeking administrative review of the first administrative order. Accordingly, the time limit for seeking administrative review started on 2 August 2005. UNAT held that, as no administrative review was sought within the prescribed time limit, UNDT had correctly held that the case was not receivable *ratione temporis*. UNAT, in addressing the Secretary-General's cross-appeal, referred to its judgment in Koda (2011-UNAT-130), where it held that OIOS is subject to the Internal Justice System since it is part of the Secretariat. UNAT dismissed the appeal and cross-appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

Ms Comerford-Verzuu contested the Office of Internal Oversight Services' (OIOS) decision to refuse to investigate her complaint of intimidation, harassment, etc. and failure to answer her correspondence. UNDT held that Ms Comerford-Verzuu's request for administrative review was not timely filed and thus, not receivable.

Legal Principle(s)

The date an administrative decision is rendered starts the time limit for seeking administrative review.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Comerford-Verzuu

Entity

UNDP

Case Number(s)

2011-207

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (*ratione temporis*)

Related Judgments and Orders

UNDT/2011/005

2011-UNAT-130

2011-UNAT-164