

2012-UNAT-271, Cremades

UNAT Held or UNDT Pronouncements

UNAT held that the appeal was without merit and that the request for management evaluation was filed in an untimely manner. UNAT held that the Appellant had failed to demonstrate that informal resolution efforts had been taken which could extend the time limit. UNAT noted that the Appellant had not requested such an extension of the time limit. UNAT held that UNDT had correctly decided that the request for management evaluation was not receivable as it was time-barred. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/OrderAppealed

The Applicant contested the decision to reject her request to the Chief of the Human Resources Management Service (HRMS), UNOG, to extend her contract until 31 August 2009 in order to cover the annual leave corresponding to the first two trimesters of 2009 or, alternatively, to pay her compensation for work performed up to 31 July 2009 and for her proportional annual leave entitlement relating to that period. UNDT dismissed the application as not receivable. The Applicant appealed.

Legal Principle(s)

UNDT has no authority to suspend or waive the deadlines for management evaluation. Ignorance of the law is no excuse for failing to meet the time limits to request administrative review or management evaluation.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Cremades

Entity

UNOG

Case Number(s)

2012-297

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Nov 2012

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)

Staff Rules

- Rule 11.1(c)

UNDT Statute

- Article 8.1
- Article 8.3

Related Judgments and Orders

UNDT/2011/180

2010-UNAT-074

2011-UNAT-108

2011-UNAT-118

UNDT/2011/023