2013-UNAT-293, Gehr

UNAT Held or UNDT Pronouncements

UNAT held that UNDT correctly concluded that applications to the UNDT, be they from serving or former staff members (such as the Appellant), are only receivable if the applicant has previously submitted the contested administrative decision for management evaluation. UNAT found no merit in the Appellant's interpretation of the relevant provisions that, as a former staff member, he was exempted from the requirement for management evaluation. UNAT upheld the UNDT's consideration that in the event of any ambiguity or contradiction between the UNDT Statute and the Staff Rules, the former must prevail over the latter. UNAT held that it was satisfied that UNDT was correct in law in rejecting the application as not receivable by reason of the Appellant not having sought management evaluation of the administrative decision. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to open an investigation into his allegations. UNDT rejected the application as not receivable as he had failed to submit the contested decision for management evaluation.

Legal Principle(s)

The procedural requirement of submission for management evaluation equally applies to staff members and former staff members.

Outcome
Appeal dismissed on merits
Full judgment
Full judgment
Applicants/Appellants
Gehr
Entity
UNODC
Case Number(s)
2012-324
Tribunal
UNAT
Registry
New York
Date of Judgement
28 Mar 2013
President Judge
Judge Faherty
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation

Subject matter (ratione materiae)
Applicable Law
Staff Rules

- Rule 11.1
- Rule 11.2
- Rule 11.2(a)
- Rule 11.2(b)
- Rule 11.4

UNDT Statute

- Article 2.1
- Article 3.1
- Article 3.1(b)
- Article 8.1
- Article 8.1(c)

Related Judgments and Orders
UNDT/2012/070
2010-UNAT-049
2010-UNAT-035
2011-UNAT-118