

2013-UNAT-338, Dzuverovic

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by Ms Dzuverovic and a cross-appeal by the Secretary-General. On consideration of Ms Dzuverovic's appeal, UNAT held that UNDT did not make an error of law in concluding that the application was not receivable *ratione materiae*, as the Appellant had failed to seek management evaluation of the contested decision and made no written request to extend the deadline. On consideration of the Secretary-General's request in its cross-appeal to order the redaction of the paragraphs containing recommendations by UNDT, UNAT held that the approach of UNDT did not merit the remedy sought, since the recommendations had no binding consequences on the parties. UNAT dismissed the appeal unanimously and the cross-appeal by majority, with Judge Chapman dissenting.

Decision Contested or Judgment/Order Appealed

The Applicant contested the non-renewal of her appointment. UNDT held that the application was not receivable but made a series of recommendations related to the Applicant's role as a whistleblower.

Legal Principle(s)

UNDT acts in excess of its competence or jurisdiction if it extends the deadline for management evaluation. Without management evaluation of a contested decision, where it is required, UNDT cannot receive and consider an application by a staff member.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Dzuverovic

Entity

UN-Habitat

Case Number(s)

2012-375

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Management Evaluation

Time limit

Applicable Law

Former Staff Rules

- Rule 111.1

ICAO Staff Regulations

- Regulation 11.1
- Regulation 11.2
- Regulation 11.3
- Regulation 11.4
- Regulation 11.5

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.10
- Article 7.3
- Article 8.3

UNDT Statute

Related Judgments and Orders

UNDT/2012/105

2010-UNAT-036

2012-UNAT-273

UNDT/2012/074

2010-UNAT-029