

2013-UNAT-345, Neault

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT considered it both reasonable and practical to provide for two different dates from which the time limit commenced to run. When the management evaluation is received within the deadline of 45 days, an application must be filed with the UNDT within 90 calendar days of an applicant's receipt of the management evaluation response. However, when the management evaluation is received after the deadline of 45 calendar days but before the expiration of 90 days for applying to UNDT, the receipt of the management evaluation will result in setting a new deadline for seeking judicial review before UNDT. UNAT, therefore, agreed with UNDT that the application was receivable. UNAT dismissed the Secretary-General's appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decision not to select her for a G-5 post. UNDT found, inter alia, that the application was receivable, *ratione temporis*, as it had been filed within 90 calendar days of the tardy Management Evaluation Unit's response.

Legal Principle(s)

When the management evaluation is received after the deadline of 30 or 45 calendar days but before the expiration of 90 days for applying to UNDT, the receipt of the management evaluation response will result in setting a new deadline for seeking judicial review before UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Neault

Entity

ICTY

Case Number(s)

2012-387

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)

Management Evaluation
Temporal (*ratione temporis*)
Applicable Law
Staff Rules

- Rule 11.2(d)

UNDT RoP

- Article 7

UNDT Statute

- Article 8.1

Related Judgments and Orders

UNDT/2012/123

2013-UNAT-331

2013-UNAT-311

2013-UNAT-293