

2013-UNAT-349, Servas

UNAT Held or UNDT Pronouncements

UNAT agreed with UNDT and its conclusion that the application was not receivable *ratione materiae*. UNAT noted that a request for management evaluation must be submitted prior to bringing an application before UNDT. UNAT further noted that, even if the Management Evaluation Unit (MEU) had failed to resolve the Appellant's complaints about the contested decision, she still had the opportunity to file a timely application with UNDT for judicial review after she receive the response from the MEU but had chosen not to do so. UNAT held that UNDT exceeded its competence and jurisdiction in addressing the merits of the claim. UNAT held that because the UNDT had no competence and jurisdiction to make any factual findings and reach any legal conclusions on the merits of the Appellant's claims, the correctness of such improper findings and conclusions could not be the basis of an appeal. UNAT held that UNDT did not err in denying the Appellant's request for confidentiality and that her other claims on appeal had no merit, therefore it did not need to address them. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested a decision by the Ethics Office not to consider that the settlement agreement she had concluded, following mediation, constituted protected activity. UNDT dismissed the application as not receivable *ratione materiae*.

Legal Principle(s)

A staff member must be familiar with the Staff Rules and understand his or her obligation to act in conformance with those rules.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Servas

Entity

ITC

Case Number(s)

2013-425

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)

Procedure (first instance and UNAT)

Confidentiality

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2012/195

2012-UNAT-261

2013-UNAT-311

2013-UNAT-345

2010-UNAT-067

2011-UNAT-184