

2013-UNAT-368, Roig

UNAT Held or UNDT Pronouncements

UNAT agreed with UNDT that the request for management evaluation was time-barred and not receivable. UNAT held that the 60-day time limit for the purpose of requesting management evaluation of a non-selection decision started on 29 October 2010, when the staff member was informed of her non-selection, and not on 17 December 2010, when she learned of the identity of the selected candidate. UNAT held that there was no second administrative decision that reset the time limit; rather, the staff member learning the identity of the selected candidate was a consequence of the administrative decision not to select her. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select her for a post at P-4 level. UNDT found that the application was not receivable since the staff member's request for management evaluation was time-barred.

Legal Principle(s)

A staff member wishing to formally contest an administrative decision shall, as a first step, submit to the Secretary-General in writing a request for management evaluation. The deadlines for management evaluation cannot be suspended or waived.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Roig

Entity

DESA

Case Number(s)

2012-416

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

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(a)
- Rule 11.2(c)

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2012/146

2010-UNAT-043

2012-UNAT-260

2010-UNAT-074

2011-UNAT-108

2010-UNAT-072

2010-UNAT-036

2013-UNAT-378