

2013-UNAT-373, Czarán

UNAT Held or UNDT Pronouncements

UNAT held that the UNDT judgment was not manifestly unreasonable in concluding that the date upon which the Appellant was on notice that he had received a response from the Management Evaluation Unit (MEU) or that it was his responsibility to read the MEU response as soon as possible. On the question of whether UNDT erred in law and/or failed to exercise its jurisdiction in declining to consider the case on the merits, UNAT held that, in the absence of a prior written request for a suspension or waiver of the time limit for filing his application, UNDT was not competent to consider the issue. Accordingly, UNAT held that there was no error of law or failure of jurisdiction on the part of UNDT. UNAT held that the absence of any prior written request for a suspension or waiver of the applicable time limit rendered moot the Appellant's argument that there were exceptional circumstances, but that, nevertheless, there was nothing in the arguments advanced by the Appellant to persuade UNAT that there existed exceptional circumstance. UNAT held that the Appellant had failed to persuade it that there was any merit in his appeal. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to transfer him to Vienna. UNAT found the application not to be receivable.

Legal Principle(s)

In the absence of a prior written request from the Appellant for a suspension or waiver of the time limit for the filing of his or her application, UNDT is not competent to consider the application.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Czaran

Entity

OOSA

Case Number(s)

2012-424

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Staff Rules

- Rule 11.4

UNDT Statute

- Article 8
- Article 8.1(d)(i)(a)
- Article 8.3

Related Judgments and Orders

UNDT/2012/133