

2013-UNAT-376, Williams

UNAT Held or UNDT Pronouncements

Noting the Secretary-General's contention that administrative review by ICAO is the equivalent of management evaluation under Article 7(3) of the UNAT Statute, and Article 7(3) must be interpreted in the same manner as Article 8(3) of the UNDT Statute, UNAT agreed that Article 7(3) prohibited UNAT from waiving the deadline by which the Appellant was required to seek administrative review. UNAT held that it did not have jurisdiction or competence to address the merits of the substantive claims of the Appellant since AJAB did not consider the merits of those claims as the neutral first instance process. UNAT dismissed the appeal and affirmed the decision of the Secretary-General of ICAO.

Decision Contested or Judgment/Order Appealed

ICAO decision: The Applicant contested the terms afforded to him by the Secretary-General of ICAO upon his resignation from ICAO. The Secretary-General of ICAO decided, accepting the recommendation of the Advisory Joint Appeals Board (AJAB), not to waive the time limit for the Applicant to seek administrative decision review.

Legal Principle(s)

Left deliberately blank.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Williams

Entity

ICAO

Case Number(s)

2013-428

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Management Evaluation

Time limit

Applicable Law

ICAO Staff Regulations

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

Staff Rules

- Rule 111.1

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.10
- Article 7.3
- Article 8.3

UNDT Statute

Related Judgments and Orders

2011-UNAT-108

2010-UNAT-074

2010-UNAT-036