

2014-UNAT-446, Mosha

UNAT Held or UNDT Pronouncements

UNAT held that UNDT correctly concluded that the Appellant's claim was not receivable. UNAT noted that it was evident that the Appellant knew of the process of management evaluation at the time of the impugned administrative decision. UNAT also held that UNDT correctly exercised its discretion to award costs against the Appellant for abuse of the judicial process, as her failure to apply for management evaluation was deliberate and thus her application was frivolous and vexatious. UNAT dismissed the appeal in its entirety and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to withhold her final emoluments and the delay in notifying UNJSPF of her separation. UNDT dismissed her application as non-receivable on the grounds that she failed to seek management evaluation. UNDT also ordered the Applicant to pay costs for having filed a "vexatious and frivolous" application.

Legal Principle(s)

A staff member must seek management evaluation before filing an application with UNDT or a first-instance tribunal.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Mosha

Entity

ICTR

Case Number(s)

2013-515

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.2(a)

Related Judgments and Orders

UNDT/2013/088