

2014-UNAT-472, Nianda-Lusakueno

UNAT Held or UNDT Pronouncements

UNAT recalled that it has consistently held that Article 8(3) of the UNDT Statute must be read literally to prohibit UNDT from waiving the deadlines for seeking management evaluation and that UNDT has no jurisdiction or competence to waive such deadlines. UNAT held that ignorance of the law is no excuse and, while it was unfortunate that Mr. Nianda-Lusakueno relied on the informal review procedure, such reliance did not qualify as exceptional circumstances under ICAO Staff Rule 111. 1, paragraph 8. UNAT dismissed the appeal and affirmed the decision of the Secretary-General of ICAO.

Decision Contested or Judgment/Order Appealed

Mr Nianda-Lusakueno contested the decision not to extend his contract. The Advisory Joint Appeals Board (AJAB) rejected Mr Nianda-Lusakueno's appeal as time-barred. The Secretary-General of ICAO accepted the AJAB's recommendation and denied Mr Nianda-Lusakueno's request for a waiver of the time limit for the filing of his appeal.

Legal Principle(s)

Article 8(3) of the UNDT Statute must be read literally to prohibit UNDT from waiving the deadlines for seeking management evaluation. Ignorance of the law is no excuse for missing deadlines.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Nianda-Lusakueno

Entity

ICAO

Case Number(s)

2013-545

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

ICAO Staff Rules

- Rule 111.1.(8)

UNAT Statute

- Article 7.3

UNDT Statute

- Article 8.3

Related Judgments and Orders

2010-UNAT-036

2010-UNAT-074

2011-UNAT-108

2013-UNAT-376