

2014-UNAT-473, Collas

UNAT Held or UNDT Pronouncements

With regard to the decisions to transfer the Appellant from UNOPS to GF / WHO, to transfer her back to UNOPS and to put her on reimbursable loan to the GF, to deny her the right to return to UNOPS, and to separate her from UNOPS upon the expiry of her SLWOP on 30 June 2012, UNAT found that UNDT did not err in holding that the Appellant's challenges were time-barred. UNAT held that the Appellant failed to seek timely management evaluation of her separation from UNOPS on 30 June 2012. With respect to UNDT's determination that the Appellant was not challenging her financial package and that the basis of her claim related to her separation on 30 June 2012, UNAT upheld UNDT's decision. UNAT noted that the consequences the Appellant sought to impugn were not timely challenged and that she could not rely on the unchallenged consequences to impugn her separation from service on 30 June 2012. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate her from service under a financial package that allegedly did not accurately reflect her contractual status with the Organisation. She also contested the regularity of her transfer from UNOPS to GF / WHO, her transfer back to UNOPS, the reimbursable loan agreement with the Global Fund (GF), as well as the decision to deny her to return to UNOPS upon the expiration of that agreement. UNDT rejected her application *ratione temporis* with respect to the June 2008 decision to transfer her from UNOPS to the GF, the January 2009 decision to transfer her back to UNOPS and put her on reimbursable loan to the GF, the January 2011 decision to deny her the right to return to UNOPS, and the decision to separate her from UNOPS upon expiry of her Special Leave Without Pay (SLWOP). With respect to the decision to separate the Applicant from service, UNDT found that her request for management evaluation was beyond the 60-day time limit.

Legal Principle(s)

The deadline to submit a request for management evaluation may be extended by the Secretary-General pending efforts for informal resolution conducted by the Office of the Ombudsman, under conditions specified by the Secretary-General.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Collas

Entity

UNOPS

Case Number(s)

2013-546

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

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 11.2(c)

Related Judgments and Orders

UNDT/2013/116

2012-UNAT-273