

# **2015-UNAT-521, Amany**

## UNAT Held or UNDT Pronouncements

On the Appellant's argument that his non-renewal was a disguised disciplinary measure and that thus, management evaluation was not required, UNAT held that the argument had no merit and that the Appellant could not evade the statutory obligation of management evaluation by characterising the dispute decision as a disciplinary matter. UNAT held that UNDT properly considered the facts and the applicable statutory law and jurisprudence in arriving at its decision that the Appellant's application was not receivable. UNAT held that, having failed to demonstrate that UNDT committed any error of law or fact, the Appellant's appeal must fail. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his contract. UNDT found that the application was not receivable on the grounds that he had failed to request management evaluation prior to filing his application with UNDT and had requested management evaluation one month after the statutory deadline.

## Legal Principle(s)

Requesting management evaluation is a mandatory first step in the appeal process. It is the staff member's responsibility to ensure he or she is aware of the applicable procedure in the context of the administration of justice at the UN; ignorance cannot be invoked as an excuse.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Amany

## Entity

UNICEF

## Case Number(s)

2014-598

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

26 Feb 2015

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

## Applicable Law

### Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

### UNDT Statute

- Article 8.1(c)

## Related Judgments and Orders

UNDT/2014/018

2013-UNAT-349

2013-UNAT-345

2014-UNAT-470

2012-UNAT-218

2011-UNAT-184