

2015-UNAT-558, Kouadio

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General and a cross-appeal by Mr Kouadio. UNAT noted that at no point did Mr Kouadio request management evaluation of the contested decision and that UNDT is prohibited from considering any application brought to it more than three years after the issuance of the administrative decision that a potential applicant is seeking to challenge. UNAT held that the UNDT erred on a question of law in finding that it could not determine the receivability of the application. UNAT upheld the Secretary-General's appeal, vacated the UNDT judgment and dismissed Mr Kouadio's cross-appeal.

Decision Contested or Judgment/Order Appealed

Mr Kouadio contested the non-renewal of his appointment due to the abolition of his post. UNDT considered that it was unable to take a decision on receivability without the Administration having notified the Applicant in writing. UNDT ordered the Administration to notify Mr Kouadio in writing.

Legal Principle(s)

Requesting management evaluation is a mandatory first step in the appeals process. UNDT has no power to suspend or waive the deadlines for management evaluation.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Kouadio

Entity

UNDP

Case Number(s)

2014-644

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Jul 2015

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Staff Rules

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

UNDT RoP

- Article 36

UNDT Statute

- Article 8.1(c)
- Article 8.3
- Article 8.4

Related Judgments and Orders

UNDT/2014/085

2015-UNAT-547

UNDT/2010/206

2013-UNAT-376

2011-UNAT-108

2010-UNAT-074

2010-UNAT-036