

2016-UNAT-661, Kalashnik

UNAT Held or UNDT Pronouncements

UNAT affirmed UNDT's finding and held that "the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision" all support the conclusion that the Administration's response to a request for management evaluation is not a reviewable decision. UNAT noted that the response to a request for management evaluation is an opportunity for the Administration to resolve a staff member's grievance without litigation and not a fresh decision. UNAT dismissed the appeal.

Decision Contested or Judgment/Order Appealed

The staff member submitted requests for management evaluation of the decisions not to roster him for the position of P-4 Resident Investigator and not to select him for the P-4 Investigator positions. The Under-Secretary-General for the Department of Management (USG/ DM) responded to the staff member's requests for management evaluation, upholding the recommendations of the Management Evaluation Unit (MEU) and finding no merit in his claims. The staff member subsequently filed an application with UNDT contesting the decision of the USG/DM. UNDT held that the staff member's application was not receivable *ratione materiae* because the Administration's response to a request for management evaluation is not a judicially reviewable administrative decision.

Legal Principle(s)

The outcome of a management evaluation (that is the Secretary-General's response to a request for management evaluation) is not an appealable administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kalashnik

Entity

OIOS

Case Number(s)

2015-871

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jun 2016

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Management Evaluation

Applicable Law

UNDT Statute

- Article 8.1

Related Judgments and Orders

UNDT/2015/087

2012-UNAT-238

2015-UNAT-591

2013-UNAT-381

2013-UNAT-311

2014-UNAT-481

2010-UNAT-058

2014-UNAT-404

2016-UNAT-679

UNDT/2015/125

2013-UNAT-335

2010-UNAT-075