

2016-UNAT-699, Vukasovic

UNAT Held or UNDT Pronouncements

UNAT considered the appeal, specifically whether UNDT correctly concluded that the Appellant's application was non-receivable *ratione materiae*, as he had not submitted a request for management evaluation of the contested administrative decision before filing his application with UNDT. UNAT noted that requesting management evaluation is a mandatory first step in the appeal process and held that the Appellant's argument that there are no instructions in which form management evaluation should be requested had no merit. UNAT noted that staff members are presumed to know the regulations and rules applicable to them and it is their own responsibility to ensure that they are aware of the applicable procedure in the context of the administration of justice at the United Nations. In short, ignorance cannot be invoked as an excuse. UNAT was satisfied 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 dismissed the appeal and affirmed UNDT's summary judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-selection to a post. UNDT found the application non-receivable as the Applicant had not submitted a request for management evaluation of the non-selection decision.

Legal Principle(s)

Requesting management evaluation is a mandatory first step in the appeal process, as it assures that there is an opportunity to quickly resolve a staff member's complaint or dispute without the need for judicial intervention. Staff members are presumed to know the regulations and rules applicable to them and it is their responsibility to ensure that they are aware of the applicable procedure in the context of the administration of justice at the United Nations.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Vukasovic

Entity

UNHCR

Case Number(s)

2016-930

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

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/2016/046

2014-UNAT-470

2015-UNAT-521

2015-UNAT-541

2016-UNAT-654

2013-UNAT-293

2013-UNAT-349