

2016-UNAT-703, Caballero

UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing since the factual and legal issues arising from the appeal had already been clearly defined. UNAT found no error in UNDT's judgment that the application was not receivable *ratione materiae*. UNAT dismissed the appeal and affirmed the UNDT summary judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to place her on special leave without pay. UNDT dismissed the application summarily as not receivable *ratione materiae* since the Applicant had not previously submitted the contested decision to a management evaluation.

Legal Principle(s)

In the absence of a request for management evaluation of the contested decision, UNDT cannot but declare the application not receivable *ratione materiae*.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Caballero

Entity

ICTY

Case Number(s)

2016-934

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Procedure (first instance and UNAT)

Oral hearings

Applicable Law

Staff Rules

- Rule 11.2

UNAT RoP

- Article 18

UNAT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2016/061

2015-UNAT-557

2016-UNAT-613