

# 2017-UNAT-743, Jean

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT committed an error of law. UNAT held that the record did not support the finding that the Appellant was notified for the purposes of Staff Rule 11.2(c) during her June 2014 meetings (or any previous ones) with the effect of triggering the time limits thereunder for her request for management evaluation. UNAT noted that the minutes upon which UNDT based its finding were unsigned, undated, and not shared with the Appellant at the time. UNAT noted that the meetings of June 2014 did not have the aim of notification of the administrative decision of the non-renewal of her appointment, but rather were intended to help her identify new job opportunities. UNAT held that there was no other corroborating evidence from that time or proximate thereto, contrary to what was suggested by UNDT. UNAT held the UNDT finding based on the minutes was incompatible with good practice and insufficient to conclude that the Appellant had been notified of the decision. UNAT held that the Appellant received notification of the contested decision on 26 August 2014 in the form of an interoffice memorandum. UNAT rejected the Appellant's assertion of a violation of ST/AI/1998/9. UNAT held that UNDT erred in law when it determined that the Appellant's request for management evaluation was late. UNAT held that the Appellant's application was receivable *ratione materiae*. UNAT vacated the UNDT judgment and remanded the case to UNDT for full consideration on its merits by another judge.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her fixed-term appointment. UNDT dismissed the application as not receivable *ratione materiae* for failure to request management evaluation within the requisite statutory period.

## Legal Principle(s)

A staff member's knowledge of a decision is not necessarily the same thing as a staff member receiving notification of a decision.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Jean

## Entity

OSAA

## Case Number(s)

2016-942

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

31 Mar 2017

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Non-renewal

## Applicable Law

Administrative Instructions

- ST/AI/1998/9

Staff Rules

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

UNAT Statute

- Article 2.3

## Related Judgments and Orders

UNDT/2016/044