

# 2018-UNAT-813, Said

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT's conclusion that the application was non-receivable *ratione materiae* was correct, since the Appellant had failed to challenge the UNTSO CHRO's response, the original administrative decision of 6 May 2015, by requesting a management evaluation. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to review any further his requests for compensation at the GS-5 level, prior to his retirement from UNTSO. UNDT held that the Applicant failed to timely file the claim that he should have been promoted to the GS-5 level and to challenge the Administration's decision appropriately. UNDT rejected the application as not receivable.

## Legal Principle(s)

The key characteristic of an administrative decision subject to judicial review is that the decision must 'produce direct legal consequences' affecting a staff member's terms and conditions of appointment. The date of an administrative decision is based on objective elements that both parties (Administration and staff member) can accurately determine. A staff member cannot reset the time for management evaluation by asking for a confirmation of an administration decision that has been communicated to him earlier. Neither can a staff member unilaterally determine the date of an administrative decision. Neither UNDT nor UNAT has jurisdiction to waive deadlines for the filing of requests for management evaluation or to grant any exceptions to it as it is a mandatory requirement pursuant to the Staff Rules.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Said

Entity

UNTSO

Case Number(s)

2017-1101

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

Related Judgments and Orders

UNDT/2017/041