

2018-UNAT-821, Haydar

UNAT Held or UNDT Pronouncements

UNAT held that UNDT did not err in law or in fact in finding that the Appellant's application was not receivable in that it failed to identify an administrative decision within the meaning of Article 2(1)(a) of the UNDT Statute. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the findings of the Management Evaluation Unit that addressed her two requests for management evaluation: 1) seeking the removal of her Second Reporting Officer's and First Reporting Officer's comments and rating from her 2015/2016 e-PAS; 2) against the Panel report of 24 August 2016 and the procedures followed by the Rebuttal Panel. UNDT dismissed the application as not receivable.

Legal Principle(s)

A statutory burden is placed upon an applicant to establish that the administrative decision in issue was in non-compliance with the terms of his or her appointment or contract of employment. Such a burden cannot be met when the applicant fails to identify an administrative decision capable of being reviewed, that is, a specific decision that has a direct and adverse impact on the applicant's contractual rights.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Haydar

Entity

MINUSCA

Case Number(s)

2017-1110

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Standard of proof

Applicable Law

Administrative Instructions

- ST/AI/292

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 10.4
- Article 2.5
- Article 8.1(c)

UNRWA DT Statute

- Article 10.8

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2017/050