

2018-UNAT-877, Atome

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's motion for leave to file additional pleadings and the appeal. UNAT noted that neither the UNAT Statute nor the UNAT RoP provide for an appellant to file an additional pleading after the respondent has filed an answer. UNAT also noted that Article 31(1) of the RoP and Section II. A. 3 of Practice Direction No. 1 of the Appeals Tribunal allow the Appeals Tribunal to grant a party's motion to file additional pleadings only if there are exceptional circumstances justifying the motion. UNAT held that the Appellant did not demonstrate any exceptional circumstances. UNAT held that the Appellant's appeal was defective in that it failed to identify any of the five grounds of appeal set forth in Article 2(1) of the UNAT Statute. UNAT agreed with UNDT in that the application was not receivable *ratione materiae* because the Appellant did not present any documents to UNDT showing that he had filed a request for management evaluation. UNAT also agreed with UNDT in that the application was not receivable and *ratione temporis* because it was filed more than three years after the receipt of the contested administrative decision. UNAT refused the motion, dismissed the appeal, and affirmed UNDT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application with UNDT, claiming that the Organisation had not paid him at the step levels stipulated in his 2009 and 2010 letters of appointment. UNDT held that the application was not receivable *ratione materiae* because the Applicant had failed to request management evaluation. UNDT further held that the application was not receivable *ratione temporis* because it was filed more than three years after receipt of the contested decision. UNDT rejected the Applicant's application.

Legal Principle(s)

Article 8(1)(c) of the UNDT Statute and Staff Rule 11. 2, subparagraphs (a) and (c) require staff members to seek management evaluation of the contested decision as a mandatory first step. Pursuant to Article 8(4) of the UNDT Statute and Article 7(6) of the UNDT Rules of Procedure, an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Atome

Entity

Not indicated

Case Number(s)

2018-1170

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

President Judge

Judge Knierim
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Subject matter (ratione materiae)
Temporal (ratione temporis)
Applicable Law
UNAT RoP

- Article 3.1

UNAT Statute

- Article 2.1
- Article 2.1(a)

UNDT RoP

- Article 7.6

UNDT Statute

- Article 8.1(c)
- Article 8.1(d)
- Article 8.4

Related Judgments and Orders

UNDT/2018/042