

# 2019-UNAT-936, Diallo

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had demonstrated no exceptional circumstances which would justify UNAT exercising its discretion to file additional pleadings. UNAT held that an application before UNDT without a prior request for management evaluation can only be receivable if the contested administrative decision has been taken pursuant to advice from a technical body, or if the administrative decision has been taken at Headquarters in New York to impose a disciplinary or non-disciplinary measure pursuant to Staff Rule 10.2 following the completion of a disciplinary process. UNAT held that the UNFPA Compliance Review Board, which in this case reviewed the recommendation to terminate the Appellant's appointment, does not constitute a technical body. UNAT held that a disciplinary process was not undertaken and completed nor did the administrative decision impose a disciplinary or non-disciplinary measure pursuant to Staff Rule 10.2. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to terminate his permanent appointment for unsatisfactory service. UNDT dismissed the Applicant's application on the ground that he had failed to request management evaluation of the impugned decision (not receivable *ratione materiae*).

## Legal Principle(s)

The Tribunals have no jurisdiction to waive deadlines for requests for management evaluation.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Diallo

## Entity

UNFPA

## Case Number(s)

2019-1232

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

28 Jun 2019

## President Judge

Judge Knierim

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Unsatisfactory service

## Applicable Law

Administrative Instructions

- ST/AI/2018/7

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1

Secretary-General's bulletins

- ST/SGB/2009/4

Staff Rules

- Rule 11.2

UNAT RoP

- Article 31.1

UNDT Statute

## Related Judgments and Orders

UNDT/2019/002