

2019-UNAT-962, Amineddine

UNAT Held or UNDT Pronouncements

As preliminary matters, UNAT held that: (1) an oral hearing would not assist in the expeditious and fair disposal of the case, noting that the issues of jurisdiction and receivability did not require oral testimony and argument for the fair disposal of the appeal; (2) an order for production of documents was not necessary; (3) the Registry would provide an Arabic translation of the judgment; and (4) the Appellant's in-session motion, viewed by UNAT as a veiled motion for additional pleadings and a request for adjournment, was denied for lack of exceptional circumstances, noting that the Appellant sought to re-argue and re-try the merits of his application to UNDT. For Job Openings 2016/038 and 2016/26, UNAT held that there was no evidence that the Secretary-General extended the management evaluation or specified conditions for extending it. UNAT held there was no evidence of an implied extension in the form of any settlement negotiations or mediation process conducted by UNOMS. UNAT held that the Appellant's requests for assistance from UNOMS alone were not sufficient to extend the deadline for requesting management evaluation. For Job Opening 87684, UNAT held that UNDT had erred in reversing the extension of time to file an application which it had previously granted and, as a result, in finding that the application was time-barred. Noting that the Appellant had relied in good faith on the extension and prepared and filed his application by the new deadline, UNAT held that it would be manifestly unreasonable to reverse the extension on different grounds to the detriment of the Appellant as it resulted in the application being time-barred and dismissed. UNAT dismissed the appeal regarding Job Openings 2016/038 and 2016/026. UNAT upheld the appeal regarding Job Opening 87684, remanding the matter to UNDT for a determination of the application on its merits.

Decision Contested or Judgment/Order Appealed

The Applicant applied for three positions for which he was not selected. He contested these non-selection decisions before UNDT. UNDT held that the applications were not receivable *ratione materiae* because he had not filed a timely request for management evaluation.

Legal Principle(s)

Only the Secretary-General has the discretion to extend the deadline for management evaluation.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Amineddine

Entity

UNTSO

Case Number(s)

2019-1261

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Oct 2019

President Judge
Judge Sandhu
Language of Judgment
Arabic
English
Issuance Type
Judgment
Categories/Subcategories
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Subject matter (ratione materiae)
Applicable Law
Staff Rules

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

UNAT RoP
UNAT Statute

- Article 2.1

UNDT Statute

- Article 8.1(d)(i)(b)
- Article 8.3

Related Judgments and Orders
UNDT/2019/043