

# 2019-UNAT-977, Symeonides

## UNAT Held or UNDT Pronouncements

The Appellant sought reversal of the UNDT judgment with respect to his claims regarding overtime and the unsustainability of his working environment, and compensation. UNAT held that the Appellant was unable to provide any evidence showing that he had requested overtime compensation in writing, or that the Administration did not respond or responded negatively. UNAT held that the Appellant failed to submit a request for management evaluation. UNAT held that the Appellant failed to file a complaint of harassment and abuse of authority as required by ST/SGB/2008/5. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant filed an application alleging breach of contract by the Administration in violation of the rules on overtime and compensatory time off. He also alleged he had been subjected to harassment and abuse of authority and challenged the failure to complete his performance evaluation within the applicable deadline. UNDT dismissed the application, concluding that none of the claims were receivable *ratione materiae*.

## Legal Principle(s)

Time limits in the context of the administration of justice in the UN's internal justice system must be observed and strictly enforced. It is incumbent upon UNDT to individualise and define the administrative decision challenged by a party and to identify the subject of judicial review. Before a staff member may file an ST/SGB/2008/5 complaint with the UNDT, he or she must have exhausted the internal remedies set forth therein.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Symeonides

## Entity

UNFICYP

## Case Number(s)

2019-1270

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

25 Oct 2019

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Management Evaluation

## Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

UNAT Statute

- Article 2

UNDT Statute

- Article 8.1(c)