

2020-UNAT-1005, Barri

UNAT Held or UNDT Pronouncements

UNAT did not find that an oral hearing would assist it in resolving the issues on appeal and denied the Appellant's request for an oral hearing. UNAT held that an explicit decision of the Secretary-General in favor of the staff member is usually necessary before UNDT may conclude that the deadlines for management evaluation have been extended by the Secretary-General; a mere request for assistance from the Ombudsman's Office is not sufficient in this regard. UNAT held that UNDT correctly concluded that the application was non-receivable *ratione materiae*, as the Appellant had failed to submit a timely request for management evaluation of the contested decision. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The staff member contested the decision to separate him from service without payment of a termination indemnity. UNDT dismissed his application as not receivable due to his failure to make a timely request for management evaluation.

Legal Principle(s)

Management evaluation is a mandatory first step in the appeal process. A mere request for assistance from the Ombudsman's Office is not sufficient in order to conclude that the deadlines for management evaluation have been extended by the Secretary-General. A request for an oral hearing may be granted when it would "assist in the expeditious and fair disposal of the case".

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Barri

Entity

UNDP

Case Number(s)

2019-1320

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Mar 2020

President Judge

Judge Raikos

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
Staff Rules

- Rule 11.2(c)

UNAT RoP

- Article 18.1

UNAT Statute

- Article 8.1(c)
- Article 8.3

Related Judgments and Orders

UNDT/2019/147

2018-UNAT-823

2013-UNAT-349

2015-UNAT-521

2013-UNAT-293

2016-UNAT-654

2016-UNAT-699