

2020-UNAT-993, Ruyffelaere

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant's application regarding the implied decision conveyed in a conversation with his colleague was, indeed, not receivable *ratione materiae*. However, UNAT held that a later letter of response from the Administration effectively re-set the clock for the Appellant to file his request for management evaluation. UNAT held that the express decision in the letter, containing the rejection of the Appellant's complaint and the reasons, therefore, was not a mere confirmation of the previous implied administrative decision, but a new, appealable decision. UNAT held that UNDT erred in dismissing the application as not receivable *ratione materiae*. UNAT granted the appeal, reversed the UNDT judgment, and remanded the case back to UNDT for determination on the merits.

Decision Contested or Judgment/Order Appealed

The staff member contested the administrative decision not to investigate his complaint of harassment and abuse of authority against his second reporting officer. UNDT dismissed his application as not receivable on the grounds that he had not filed a timely request for management evaluation. Specifically, the UNDT found that the staff member had not submitted a request within 60 days of receipt of notification of the contested decision or the date on which he first came to know of it.

Legal Principle(s)

With an implied administrative decision, UNDT must determine the date on which the staff member knew or reasonably should have known of the decision he or she contests.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Ruyffelaere

Entity

UN Secretariat

Case Number(s)

2019-1303

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)

Subject matter (*ratione materiae*)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Rules

- Rule 11.2(c)

Related Judgments and Orders

UNDT/2019/084

2013-UNAT-331

2015-UNAT-588

2019-UNAT-917

2019-UNAT-967