

2021-UNAT-1119, Kristen Wenz

UNAT Held or UNDT Pronouncements

UNAT held that the UNDT did not commit any errors when it found that Ms. Wenz' application was irreceivable *ratione materiae* and that therefore, it did not have to address the question of whether the application was also irreceivable *ratione temporis*. UNAT held that the UNDT correctly found that UNICEF's participation in mediation efforts did not automatically extend the time limit for filing a request for management evaluation. UNAT found no fault in the UNDT's finding that the Secretary-General was not estopped from raising the issue of receivability. UNAT dismissed the appeal and affirmed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

Ms. Wenz contested several implied administrative decisions which she alleged had taken place following a security incident while she was on mission. UNDT found that her application was neither receivable *ratione materiae* as her request for management evaluation was not filed in a timely manner nor receivable *ratione temporis* as her application was also filed out of time.

Legal Principle(s)

Participation in mediation efforts does not automatically extend the time limit for filing a request for management evaluation.

Outcome

Appeal dismissed on receivability

Outcome Extra Text

N/A

Full judgment

[Full judgment](#)

Applicants/Appellants

Kristen Wenz

Entity

UNICEF

Case Number(s)

2020-1464

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jun 2021

President Judge

Judge Knierim

Language of Judgment

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(c)

UNDT Statute

- Article 8.3