

2021-UNAT-1143, Edward E. Hammond

UNAT Held or UNDT Pronouncements

The UNDT did not err in determining that the 11 November 2018 letter provided notification of the final administrative decision subject to appeal, since it contained the key characteristic of producing “‘direct legal consequences’ affecting a staff member’s terms and conditions of appointment”.

Decision Contested or Judgment/Order Appealed

UNDT/2020/098, in which UNDT rejected Mr. Hammond’s application contesting the non-renewal of his contract on grounds of receivability.

Legal Principle(s)

A determination of the date of receipt of notification for purposes of Staff Rule 11.2(c) depends on the facts and circumstances of each case. The decisive moment of notification is when “all relevant facts ... were known, or should have reasonably been known”. Further, “[t]he date of an administrative decision is based objective elements that both parties (Administration and staff member) can accurately determine”. The precise determination of the date of notification is crucial, and beneficial, for both the Organization and staff members. This is why, as a general rule, written notification most effectively satisfies the commitment to clarity and transparency, which are priority interests and ongoing concerns of the Organization. Neither the Dispute Tribunal nor the Appeals Tribunal has jurisdiction to waive the deadlines for the filing of requests for management evaluation or to grant any exceptions to it as it is a mandatory requirement pursuant to the Staff Rules. A party cannot introduce new claims for the first time on appeal, on pain of infringement of the two-tier principle of administration of justice.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Edward E. Hammond

Entity

UNAMID

Case Number(s)

2020-1439

Tribunal

UNAT

Registry

New York

Date of Judgement

25 Jun 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Applicable Law

Administrative Instructions

- ST/AI/2005/3

Staff Rules

- Rule 11.2(c)

Related Judgments and Orders

2016-UNAT-654

2016-UNAT-699

2016-UNAT-695

2017-UNAT-791

2015-UNAT-557