

UNDT/2022/022, CAHN

UNAT Held or UNDT Pronouncements

Irregularities in connection with a process, including alleged delay in reaching a final decision, may only be challenged in the context of an application contesting the conclusion of an entire process. Indeed, this final administrative decision, which concludes the compounded administrative process in administering a staff member's complaint, is the only challengeable one and absorbs all the previous preliminary steps. The Tribunal noted from the record that the investigation of the Applicant's FRO's complaint had been completed and OHR had provided its assessment on the case. It further noted, however, that at the time of its Judgment the process was still ongoing concerning the determination of managerial/administrative action to be taken and that the Respondent confirmed in his closing submission that the matter had not yet been formally closed. Consequently, the Tribunal concluded that no final decision on the matter at stake had been taken either at the time of the filing of the application or of the filing closing submissions, thus finding the application not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant contests the "failure [of the Office of the United Nations High Commissioner for Human Rights] to timely investigate and take a final decision following a complaint of misconduct made against [him] by his [first reporting officer]".

Legal Principle(s)

UNAT jurisprudence distinguishes cases where there is an implied administrative decision, which the interested person can challenge, from those where there is only "an inordinate delay that presents a sorrowful picture of functioning on the part of the Administration", without a decision, even implicit.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

CAHN

Entity

OHCHR

Case Number(s)

UNDT/GVA/2021/057

Tribunal

UNDT

Registry

Geneva

Date of Judgement

8 Mar 2022

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Harassment (non-sexual)

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB2008/5

Related Judgments and Orders

2014-UNAT-401

2015-UNAT-562

2017-UNAT-786