

UNDT/2021/012, Richards

UNAT Held or UNDT Pronouncements

The deadline for the Applicant's request for compensation for any alleged irregularity in the handling of his complaint of misconduct started on 27 June 2019 when he was notified of the outcome of the complaint. The 27 June 2019 notification rendered the decision resulting from the Applicant's complaint final and therefore reviewable under art. 2.1(a) of the Tribunal's Statute. Consequently, the notification date starts the clock running for any challenge of such administrative decision. Under staff rule 11.2(c), the Applicant had 60 days to request management evaluation of the contested administrative decision as of the date of the notification of the outcome of his complaint, that is, as of 27 June 2019. As he only requested management evaluation on 8 January 2020, the Applicant missed the deadline and the application is therefore not receivable *ratione materiae*. The Applicant's 22 November 2019 email could not have reasonably been construed as a request for compensation. The Applicant, a staff member in the professional category, clearly stated that he was seeking guidance as to the available procedures to request compensation for the harm caused by the irregularities in the handling of his complaint. The Administration cannot reasonably be expected to second-guess a message that is unequivocal in its wording.

Decision Contested or Judgment/Order Appealed

The decision not to award compensation for harm caused by the irregularities vitiating the investigation process following a complaint of misconduct.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Richards

Entity

OHCHR

Case Number(s)

UNDT/GVA/2020/19

Tribunal

UNDT

Registry

Geneva

Date of Judgement

23 Feb 2021

Duty Judge

Judge Hunter Jr.

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Rules

- Rule 11.2 (c)

UNDT Statute

- Article 2.2

UNAT Statute

- Article 2.1(a)