

2022-UNAT-1229, Jolanta Wozniak

UNAT Held or UNDT Pronouncements

UNAT dismissed the appeal. UNAT held that 25 July 2017 was the relevant date triggering the time limit under Staff Rule 11.2(c). On that date, Ms. Wozniak was informed in unequivocal terms by the Administration that her request for deferment for the 2017 Rotation Exercise had been approved on retirement ground, on the understanding that she would retire on 30 April 2019. Thus, her request for management evaluation dated 24 July 2019 was filed outside the 60-day statutory time limit. UNAT found that in any case the UNDT also correctly held that even if it were to entertain that the communication of 25 July 2017 did not amount to a notification of the contested decision, Ms. Wozniak was clearly aware of the contested decision by the date of her separation (on 30 April 2019) and should have requested management evaluation within 60 days of that date, i.e., by 1 July 2019, which she failed to do. UNAT also dismissed Ms. Wozniak's contention that she missed the deadline since the UNICEF Administration, as well as the Office of the Ombudsman for the Funds and Programmes and OSLA, had not adequately informed her that she was required to request management evaluation of the contested decision within a specific time frame. UNAT recalled that it is the staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations and that ignorance cannot be invoked as an excuse.

Decision Contested or Judgment/OrderAppealed

Before the UNDT, Ms. Wozniak contested the decision to separate her from service on 30 April 2019 by retirement upon her reaching the age of 62 years. The UNDT dismissed the application as not receivable ratione materiae. The UNDT considered that Ms. Wozniak had requested management evaluation of the 25 July 2017 Separation from Service Notification on 24 July 2019, i.e., around two years later. The UNDT held that even if it were to consider that the date of Ms. Wozniak's effective separation from service was the relevant date, her claims would still be not

receivable, since in that case the deadline to request management evaluation would have been 1 July 2019, i.e., 60 calendar days after 30 April 2019, the date she separated from service; yet, she only filed on 24 July 2019. Finally, the UNDT held that Ms. Wozniak's attempts to resolve the matter informally through the Ombudsman or discussing the case with OSLA could not have had any impact on her obligation to request management evaluation of the contested decision by 25 September 2017.

Legal Principle(s)

Requesting management evaluation is a mandatory first step in the appeal process. The requirement of management evaluation assures that there is an opportunity to quickly resolve a staff member's complaint or dispute without the need for judicial intervention. The Appeals Tribunal strictly enforces the time limits for filing applications and appeals. Strict adherence to filing deadlines assures one of the goals of our new system of administration of justice: the timely hearing of cases and rendering of judgments. Staff members are presumed to know the Regulations and Rules applicable to them. It is the staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations. Ignorance cannot be invoked as an excuse.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Jolanta Wozniak

Entity

UNS

Case Number(s)

2021-1549

Tribunal

UNAT

Registry

New York

Date of Judgement

18 Mar 2022

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Management Evaluation

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.2(a)
- Rule 11.2(c)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

2020-UNAT-1005

2016-UNAT-699

2016-UNAT-654

2013-UNAT-293

2015-UNAT-521

2013-UNAT-349

2015-UNAT-495

2014-UNAT-470