

UNDT/2023/036, KAMDEM SOUOP

UNAT Held or UNDT Pronouncements

The Applicant requested management evaluation on 27 January 2023. The deadline for the management evaluation response was 13 March 2023. The Applicant filed his application on 13 February 2023, which was 28 days before the management evaluation response was due.

Consequently, the Tribunal found the application to be prematurely filed and therefore, not receivable.

Decision Contested or Judgment/Order Appealed

Non reimbursement of travel expenses for medical evacuation to Morocco in April-May 2022.

Legal Principle(s)

Staff rule 11.2 and art. 8 of the UNDT Statute require only a request for management evaluation and not necessarily to obtain it. However, the Appeals Tribunal has stressed the obligation to await management evaluation. The purpose of management evaluation is to provide the administration the opportunity to correct any error in an administrative decision so that judicial review of the administrative decision is not necessary and it gives the Applicant the opportunity to consider the reasons on the part of the Administration before filing the application, thus promoting the rationality and completeness of the arguments before the Tribunal.

As held by this Tribunal in Steinbach UNDT/2018/034, the application which had been filed without the result of management evaluation remains not receivable also after the management evaluation has been issued. Such a situation, for an Applicant

who wishes to pursue his or her claim before the Dispute Tribunal, requires a new filing in accordance with the applicable time limits.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

KAMDEM SOUOP

Entity

UNDP

Case Number(s)

UNDT/NBI/2023/015

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 May 2023

Duty Judge

Judge Milart

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Management Evaluation

Applicable Law

UNAT RoP

- Article 8.1

UNAT Statute

Related Judgments and Orders

2015-UNAT-558

2015-UNAT-521

2015-UNAT-498

2014-UNAT-446

2013-UNAT-335

2013-UNAT-311

2013-UNAT-345

UNDT/2018/034