

# UNDT/2022/067, Sivan

## UNAT Held or UNDT Pronouncements

The Tribunal noted that the Applicant did not dispute the fact that he did not request management evaluation within the 60-day statutory period of staff rule 11.2(c). He did not dispute the fact that while the 60-day period commenced on 25 January 2021, he mailed his request for management evaluation on 16 April 2021, more than three weeks after the expiration of the statutory deadline.

Accordingly, since the Applicant did not seek management evaluation in a timely manner, his application was not receivable *ratione materiae*. Consequently, the application was dismissed as not receivable.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the United Nations Disengagement Observer Force's decision to separate him for abandonment of post.

## Legal Principle(s)

Pursuant to staff rule 11.2(c), a request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days from the date on which the staff member received the notification of the administrative decision to be contested.

Pursuant to art. 8.3 of the Dispute Tribunal's Statute, the Tribunal has no power to waive or suspend the deadlines for management evaluation.

As per the settled jurisprudence, the Dispute Tribunal may only review decisions that have been subject of a proper and timely request for management evaluation.

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Sivan

Entity

UNDOF

Case Number(s)

UNDT/NBI/2021/081

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Jul 2022

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reasons

Administrative decision

Applicable Law

Former Staff Rules

- Rule 11.2(c)

Related Judgments and Orders

2013-UNAT-338

2011-UNAT-184