

# UNDT/2024/024, Marchetti

## UNAT Held or UNDT Pronouncements

The Applicant's argument that the former staff rule 3.17(b) (now staff rule 3.15) was/is relevant for purposes of computation of the time within which she should have sought management evaluation is flawed. The former staff rule 3.17(b) (now staff rule 3.15) relates to retroactivity of payments, and not to the issue of increase of step which is what her application is about.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the “[d]ecision not to grant [her] request under staff rule 3.17 for increase of step”.

## Legal Principle(s)

Under the jurisprudence of the Appeals Tribunal, the notification of the contested decision occurs when the staff member receives the decision in writing (see, for instance, *Manco* 2013-UNAT-342, para. 20, and *Seyfollahzadeh* 2016-UNAT-620, para. 26). The Appeals Tribunal has also “consistently held that the reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to statutory timelines; rather time starts to run from the date on which the original decision was made” (see, *Staedler* 2015-UNAT-546, para. 46, and similarly in, for instance, *Aliko* 2015-UNAT-539, *Kazazi* 2015-UNAT-557, *Thambiah* 2013-UNAT-385, *Cooke* 2012-UNAT-275, *Sethia* 2010-UNAT-079, and *Shayoun* 2021-UNAT-1149).

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Marchetti

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2023/021

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

25 Apr 2024

## Duty Judge

Judge Tibulya

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

## Applicable Law

Staff Rules

UNDT Statute

## Related Judgments and Orders

2013-UNAT-342

2016-UNAT-620

2015-UNAT-546

2015-UNAT-539

2015-UNAT-557

2013-UNAT-385

2012-UNAT-275

2010-UNAT-079

2021-UNAT-1149