

UNDT/2024/050, Nduati

UNAT Held or UNDT Pronouncements

The Tribunal observed that according to the evidence on the record, the Applicant received the contested decision on 28 August 2023. To comply with the 60-day calendar days deadline to request management evaluation, the Applicant ought to have submitted it by 27 October 2023. However, she submitted it on 8 November 2023, nearly two weeks later. Accordingly, the Tribunal found that the request for management evaluation was time-barred and, as a result, that the application was not receivable *ratione materiae*. The Tribunal dismissed the application.

Decision Contested or Judgment/Order Appealed

The decision of the Office of Information and Communication Technology, United Nations Office at Nairobi, that the Applicant termed as “termination of [her] employment through constructive dismissal”.

Legal Principle(s)

The Dispute Tribunal may only review decisions that have been subject to a proper and timely request for management evaluation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nduati

Entity

UNON

Case Number(s)

UNDT/NBI/2023/081

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

14 Aug 2024

Duty Judge

Judge Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Reasons

Administrative decision

Applicable Law

Staff Rules

- Rule 11.2 (c)

UNDT Statute

- Article 8.3