

2024-UNAT-1492, Alain Bertrand

Kamdem Souop

UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT did not err in finding that the staff member's application was not receivable because he failed to request management evaluation of the contested decision within the 60-day statutory time limit. The UNAT determined that, since the staff member was notified on 27 and 28 April 2022 of the rejection of his request for medical evaluation, he had 60 days from that date to submit his request for management evaluation. However, he only submitted his request to the Management Evaluation Unit on 3 November 2022, and later to the United Nations Development Programme (UNDP) on 27 January 2023. Therefore, he filed it well beyond the statutory deadline in both instances.

Furthermore, the UNAT held that his request for reconsideration, submitted on 3 June 2022, was not a valid substitute for a request for management evaluation, nor did it suspend the time limits for submitting such a request to the competent authorities.

Finally, the UNAT found that the implicit UNDP's decision to refuse reimbursement of medical evacuation expenses dated 21 November 2022 could not be considered as the contested decision.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2024/021.

Decision Contested or Judgment/Order Appealed

A staff member of the Office of the United Nations High Commissioner for Human Rights (OHCHR) contested the decision to reject his request for reimbursement of medical evacuation costs.

In its Judgment No. UNDT/2024/021, the UNDT concluded that his application was not receivable *ratione materiae* because he filed it without having previously submitted a timely request for management evaluation.

Staff member appealed.

Legal Principle(s)

Requesting management evaluation is a mandatory first step before coming to the internal justice system. Indeed, the purpose of management evaluation is to afford the Administration the opportunity to correct quickly and efficiently any errors in an administrative decision so that judicial review of the administrative decision is not necessary. Consequently, the Tribunals have no jurisdiction to waive deadlines for requests for management evaluation.

A request for management evaluation must be submitted within the applicable time limit, which is 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested. A party may not unilaterally determine the date of the administrative decision. On the contrary, the date of an administrative decision is based on objective elements that both parties (Administration and staff member) can accurately determine. Furthermore, the reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to statutory time limits.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Alain Bertrand Kamdem Souop

Entity

OHCHR

Case Number(s)

2024-1934

Tribunal

UNAT

Registry

New York

Date of Judgement

4 Dec 2024

President Judge

Judge Ziadé

Judge Forbang

Judge Sheha

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Subject matter (ratione materiae)

Time limit

Oral hearings

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Procedure (first instance and UNAT)

Applicable Law

Staff Rules

- Rule 11.2

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.1
- Article 8.3

Related Judgments and Orders

UNDT/2024/021

2024-UNAT-1472

UNDT/2023/036

2015-UNAT-558

2020-UNAT-991

2012-UNAT-273

2018-UNAT-824