

# UNDT/2024/042, N'Dao

## UNAT Held or UNDT Pronouncements

It is not in dispute that the Applicant received notice of the contested decision on 8 May 2023 and that he only sought management evaluation in respect of the contested decision on 2 May 2024, approximately one year later. Since the management evaluation request was submitted outside of the statutory 60-day deadline stipulated in staff rule 11.2(c), the application is non-receivable *ratione materiae* (see, also, *Christensen* 2013-UNAT-335).

The Respondent's motion for summary judgment was granted.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the “non-renewal of [his] contract following false allegations”.

## Legal Principle(s)

Under the jurisprudence of the Appeals Tribunal, summary judgment is an appropriate procedure for the Dispute Tribunal to adopt in order to determine the receivability of an application since the issue in such circumstances is one of law and not fact. The summary judgment procedure allows the Dispute Tribunal to determine the issue without receiving any argument or evidence from the parties. (See, for instance, *AAP* 2023-UNAT-1391, para. 27; *Auda* 2017-UNAT-740, para. 18; *Kazazi* 2015-UNAT-557, paras. 41-42.)

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

N'Dao

## Entity

UNHCR

## Case Number(s)

UNDT/NY/2024/025

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

9 Jul 2024

## Duty Judge

Judge Adda

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Management Evaluation

Management Evaluation

Reason(s)

Jurisdiction / receivability (UNDT or first instance)

Non-renewal

## Applicable Law

Staff Rules

- Rule 11.2(a)

UNAT RoP

- Article 8
- Article 8.3

UNDT Statute

- Article 11.2(c)

## Related Judgments and Orders

2016-UNAT-652