

UNDT/2025/011, Roeske

UNAT Held or UNDT Pronouncements

Having established that the Applicant was duly notified of the contested decision on 22 May 2023, the Tribunal found that the request for management evaluation should have been filed by 22 July 2023, at the latest. Since the Applicant only filed the request for management evaluation on 23 November 2023, the Tribunal further found that the application was not receivable.

As Counsel for the Applicant admitted that the Administration had already substantially settled the Applicant's tax liability claims for 2022 and 2023, the Tribunal also considered those aspects of the application as moot.

The Tribunal was also mindful of art. 11.6 of its Statute, which mandates that "[t]he judgments of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal". In balancing these competing interests, the Tribunal was careful to craft the present judgment in such a way that the "sensitive medical evidence" that the Applicant was concerned about, or the "details about her taxes and personal finances" would not be revealed to the public.

Decision Contested or Judgment/Order Appealed

The Applicant contested the 25 September 2023 decision to not reimburse her 2022 United States income taxes (Federal and State) and pay for the estimated 2023 income taxes (Federal and State).

Legal Principle(s)

The Tribunal recalled that the Appeals Tribunal has consistently stated that the Dispute Tribunal is required to satisfy itself that an application is receivable under

art. 8 of its Statute (see, for instance, *O'Neill* 2011-UNAT-182, as affirmed in *Christensen* 2013-UNAT-335, and *Barud* 2020-UNAT-998).

Furthermore, it is well-settled case law that “the Dispute Tribunal may only review decisions that have been the subject of a timely request for management evaluation” (see *Khan* 2022-UNAT-1284, para. 52).

For the sake of completeness, on the issue of mootness, the Tribunal noted that the Appeals Tribunal has consistently held that where an applicant has already received the relief requested, an application is moot and should be dismissed (*Rehman* 2017-UNAT-795, para. 21, and see also, for instance, the Appeals Tribunal in *Toson* 2021-UNAT-1161, para. 27; *Guetgemann* 2022-UNAT-1201, para. 22; *Mboob* 2022-UNAT-1215, para. 33).

Outcome

Dismissed as not receivable

Outcome Extra Text

The Tribunal also denied the Applicant’s motions to file an amended application, to file a rejoinder, for anonymity, and for redaction of Order No. 069 (NBI/2024).

Full judgment

[Full judgment](#)

Applicants/Appellants

Roeske

Entity

UNHCR

Case Number(s)

UNDT/NY/2024/031/T

Tribunal

UNDT

Registry

New York

Date of Judgement

18 Mar 2025

Duty Judge

Judge Waktolla

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Applicable Law

Staff Rules

- Rule 11.2(a)

UNDT Statute

- Article 11.2(c)
- Article 11.6
- Article 8
- Article 8.1(c)

- Article 8.3

Related Judgments and Orders

2011-UNAT-182
2013-UNAT-335
2020-UNAT-998
2010-UNAT-073
2013-UNAT-313
2013-UNAT-380
2014-UNAT-481
2022-UNAT-1284
2017-UNAT-795
2021-UNAT-1161
2022-UNAT-1201
2022-UNAT-1215
2024-UNAT-1476
2017-UNAT-741
2016-UNAT-639
2023-UNAT-1332