



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1551

Leonid Dolgoplov
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Leslie F. Forbang, Presiding Judge Gao Xiaoli Judge Abdelmohsen Sheha
Case No.:	2024-1964
Date of Decision:	27 June 2025
Date of Publication:	18 July 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Ms. Rupa Mitra

JUDGE LESLIE F. FORBANG, PRESIDING.

1. Mr. Leonid Dolgoplov, a staff member of the Department of Operational Support (DOS), has filed an appeal of Judgment No. UNDT/2024/087 (impugned Judgment),¹ in which the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) dismissed his application as not receivable.

2. Before the UNDT, Mr. Dolgoplov had challenged the alleged failure by the Secretary-General to address his concern that a law enforcement agency of the host country (Law Enforcement Agency) was attempting to recruit him to be an agent against his country of nationality. The UNDT found that his application was not receivable because Mr. Dolgoplov's request for management evaluation was untimely.

3. For the reasons set out herein, the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

4. On 28 March 2023, Mr. Dolgoplov wrote to DOS that he had been "approached by persons who stated that they were agents of [Law Enforcement Agency] who tried to recruit [him] to work for them". He asserted his belief that his failure to cooperate could lead to delays in renewals of his visa or receipt of a visa.²

5. On 31 March 2023, Mr. Dolgoplov wrote to DOS that someone had "tampered with [the] evidence" that he had of the Law Enforcement Agency's attempt to recruit him.³ DOS referred the matter to the Department of Safety and Security (DSS).

6. On 3 April 2023, Mr. Dolgoplov met with an investigator of the Safety and Security Service (SSS) within DSS (DSS/SSS). Mr. Dolgoplov shared his chronology of facts with the SSS investigator and showed him a copy of the WhatsApp chat he had with a person from the Law Enforcement Agency. Mr. Dolgoplov alleged that this WhatsApp chat had been tampered with to make it look like a friendly conversation.⁴

¹ *Dolgoplov v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/087, issued on 29 October 2024.

² *Ibid.*, para. 5.

³ *Ibid.*, para. 6.

⁴ *Ibid.*, para. 8.

7. On 14 April 2023, a DOS staff member advised:⁵

I have contacted DSS and have been informed that they looked into your case and spoken with you several times since last Friday. They also informed me that, while they have not found any evidence of a threat against you, they are monitoring the case and will remain in contact with you.

8. On 4 May 2023, Mr. Dolgoplov met with the SSS investigator again to discuss his concerns. That same day, he also sent an e-mail to DOS for further guidance.

9. On 18 May 2023, the DOS staff member replied:⁶

Regarding your personal safety, as we had previously noted, if you have concerns about your safety you should be in touch directly with DSS. There is no mechanism outside of DSS through which to carry out investigations or provide personal protection. Additionally, from the limited information provided, we understand that DSS have not been able to establish any credible threat to you or your family. I'm sure DSS would be happy to re-engage with you should you have additional information or wish DSS to refer the matter to local law enforcement.

10. On 8 August 2023, Mr. Dolgoplov sent an e-mail to DOS entitled "Request for clarification with DSS threat and risk assessment regarding possible threats to me and my family".⁷ He asked who in DSS had made an assessment that there was no credible threat to him or his family. Mr. Dolgoplov sent two more follow-ups to this e-mail on 10 and 17 August 2023.⁸

11. On 21 August 2023, the Deputy Chief of SSS wrote to Mr. Dolgoplov noting that "[c]onsidering that [Mr. Dolgoplov was] not willing to pursue it further along with local law enforcement officials, based on the limited information [Mr. Dolgoplov] provided to [SSS], at this point it [was] [the Deputy Chief's] professional assessment that there [was] no credible threat" to Mr. Dolgoplov or his family.⁹ Mr. Dolgoplov responded by questioning whether a "proper security threat and risk assessment" had been performed.

12. On 22 August 2023, the Deputy Chief of SSS replied that:¹⁰

⁵ *Ibid.*, para. 9.

⁶ MEU Response, MEU/274-23/R, p. 4.

⁷ 8 August 2023 e-mail to DOS staff.

⁸ Impugned Judgment, paras. 15-17.

⁹ *Ibid.*, para. 18.

¹⁰ *Ibid.*, para. 20.

[His] assessment is based on the review of the messages [Mr. Dolgoplov] presented to [them], [Mr. Dolgoplov's] statements to [the SSS investigator], the discretion of [the Deputy Chief of SSS'] post and 33 years of police/security experience. Until such time as [Mr. Dolgoplov] presents [them] with additional evidence or decide[s] to report [his] concerns to Host Country law enforcement, [the Deputy Chief of SSS] stand[s] by [his] opinion.

13. Mr. Dolgoplov responded that same day with more questions about the methodology used and threatened to file a complaint against the Deputy Chief of SSS and the relevant staff member in DOS with the Office of Internal Oversight Services (OIOS). The Deputy Chief of SSS replied that he would no longer engage with Mr. Dolgoplov on this discussion.¹¹

14. On 16 September 2023, Mr. Dolgoplov filed a request for management evaluation of “the personal subjective unprofessional assessment of [the Deputy Chief of SSS] that there were no credible threats to [him] and [his] family for [his] refusal to be recruited by” the Law Enforcement Agency.¹²

15. On 6 October 2023, the Management Evaluation Unit (MEU) determined that his request was not receivable.

16. On 8 November 2023, Mr. Dolgoplov filed an application with the UNDT.

Impugned Judgment

17. The UNDT granted the Secretary-General's request to determine the receivability of the application as a preliminary issue.¹³

18. The UNDT recalled that pursuant to Staff Rule 11.2(c), a request for management evaluation shall not be receivable unless it is sent within 60 calendar days of the contested administrative decision. Moreover, under Article 8(3) of the Dispute Tribunal Statute (UNDT Statute), the Dispute Tribunal “shall not suspend or waive the deadlines for management evaluation”.

¹¹ *Ibid.*, paras. 21-22.

¹² *Ibid.*, para. 23.

¹³ *Dolgoplov v. Secretary-General of the United Nations*, Order No. 134 (NY/2023), para. 4.

19. The UNDT noted that the Secretary-General identified the contested decision as the DOS e-mail sent to Mr. Dolgoplov on 14 April 2023; whereas Mr. Dolgoplov identified the contested decision as the DOS e-mail he received on 22 August 2023.

20. The UNDT found that by 14 April 2023, or at the very latest by 18 May 2023, Mr. Dolgoplov “should reasonably have been able to accurately determine that in the given circumstances, DSS/SSS had decided to reject his request to take any action regarding his complaint concerning the relevant law enforcement agency”.¹⁴

21. The UNDT concluded that the 21 and 22 August 2023 e-mails of the Deputy Chief of SSS were nothing but repetitions of the already conveyed contested decision.¹⁵

22. The UNDT pointed out that according to Mr. Dolgoplov’s own summaries of his meetings with the SSS investigator, he fully understood as of 5 May 2023, that DSS did not intend to do anything further until Mr. Dolgoplov had new information or had contacted local law enforcement.¹⁶

23. Accordingly, the UNDT held that Mr. Dolgoplov’s request for management evaluation of 16 September 2023 was not filed in a timely manner, as it was far greater than 60 days from the contested decision (whether the decision was taken in April or May of 2023).¹⁷

24. “[F]or the sake of completeness”, the UNDT considered whether the application was not receivable on the grounds of *res judicata*. The UNDT held that Mr. Dolgoplov’s arguments in this case were “not fully identical” to those presented in Judgment No. UNDT/2024/023, and thus the principle of *res judicata* was inapplicable.¹⁸

25. The UNDT further stated that even though the application was not receivable, “to ensure finality to the present case”, it would provide its findings on the merits.¹⁹

¹⁴ Impugned Judgment, para. 32.

¹⁵ *Ibid.*, para. 34.

¹⁶ *Ibid.*, para. 35.

¹⁷ *Ibid.*, para. 36.

¹⁸ *Ibid.*, paras. 37 and 40 (referencing *Dolgoplov v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/023).

¹⁹ *Ibid.*, para. 44.

26. The UNDT acknowledged the Secretary-General's submission that DSS/SSS acted within the scope of its authority when it rejected Mr. Dolgoplov's request for intervention in the Law Enforcement Agency's alleged attempt to recruit him as an agent.²⁰

27. The UNDT noted that according to the WhatsApp exchange, which was the only evidence of Mr. Dolgoplov's interaction with the Law Enforcement Agency, Mr. Dolgoplov and the individual seemed to be on "very friendly and cordial terms" as they discussed "whether to meet up for a fishing trip or a drink".²¹ Mr. Dolgoplov claimed that the WhatsApp messages were tampered with. The UNDT accepted the Secretary-General's response that without cooperation from Mr. Dolgoplov, which he had not granted, DSS lacked the legal jurisdiction and technical means to investigate his tampering claims.²²

28. The UNDT also queried how Mr. Dolgoplov would have access to confidential information from his country of origin's diplomatic service, suggesting that an attempt to recruit Mr. Dolgoplov would have been "pointless and futile".²³

29. The UNDT thus found that DSS/SSS indeed had acted within the scope of its authority not to take any further action on Mr. Dolgoplov's complaint.²⁴ Consequently, the contested decision was lawful.²⁵

Procedure before the Appeals Tribunal

30. Mr. Dolgoplov filed an appeal of the impugned Judgment on 11 November 2024, to which the Secretary-General responded on 8 January 2025.

²⁰ *Ibid.*, para. 54.

²¹ *Ibid.*, para. 55.

²² *Ibid.*, para. 57.

²³ *Ibid.*, para. 58.

²⁴ *Ibid.*, para. 59.

²⁵ *Ibid.*, para. 60.

Submissions

Mr. Dolgopolov's Appeal

31. Mr. Dolgopolov submits that the UNDT committed errors in fact and law which directly impacted on the fairness and accuracy of the impugned Judgment.

32. Mr. Dolgopolov contends that the UNDT's finding that the application was not receivable was based on an incorrect interpretation of the date of notification as it was overly narrow and failed to account for the need for clarity and finality in administrative decisions affecting staff rights, as stated under Staff Rule 11.2 and applicable jurisprudence.

33. Mr. Dolgopolov stated that the communication received from DOS on 18 May 2023 regarding DSS' initial assessment that "no credible threat existed", did not convey a conclusive determination of his requests for protection which only became clear on 22 August 2023, that no further action would be taken, when the Deputy Chief of SSS refused to further address the matter.

34. Mr. Dolgopolov contends that the UNDT failed to examine the facts presented regarding the validity of the Deputy Chief of SSS' determination that there was no credible threat to him and his family. He further stated that the UNDT failed to examine the fact that in the management evaluation letter, the Administration stated that the recruitment attempt did not take place.

35. Mr. Dolgopolov contends that the UNDT incorrectly concluded that DSS/SSS acted within its scope of authority in deciding not to intervene in his case, and thereby failed to uphold the Organization's duty of care as provided in Article 100.2 of the United Nations Charter, the duty of care framework under United Nations Staff Regulation 1.2 (c) and the Convention on the Privileges and Immunities of the United Nations, which provides protection from external threats which may affect the impartial performance of United Nations duties.

36. Mr. Dolgopolov further contends that the UNDT incorrectly concluded that Secretary-General Bulletin's ST/SGB/198 (Security, Safety and Independence of the International Civil Service) regarding the duty of care is no longer in force when the Bulletin remains accessible on the United Nation's policy portal and was referenced in recent UNDT cases.

37. Mr. Dolgopolov argues that recruitment attempts by agents from the Law Enforcement Agency were a personal risk and breach of his impartial role as an international civil servant and

that DSS/SSS failed to provide adequate protection and conduct a proper investigation or comprehensive Security Risk Management (SRM) assessment which violated protective obligations leaving him vulnerable to ongoing threats and retaliation. He further argues that the UNDT did not consider that in February 2024, in the presence of his teenage daughter, he was again approached by host country officials with the same intent.

38. Mr. Dolgoplov argues that the UNDT overlooked significant facts related to potential conflicts of interest among the Secretary-General's representatives, where such relationships are material to the case given the host country's alleged involvement in the recruitment attempt.

39. Mr. Dolgoplov submits that the UNDT disregarded his request for an oral hearing without providing justification which impacted on his ability to present all pertinent facts.

40. Mr. Dolgoplov requests that the Appeals Tribunal reverse the impugned Judgment and remand the case to the UNDT for full consideration on the merits and allow an in-person hearing with witness testimony.

The Secretary-General's Answer

41. The Secretary-General submits that the UNDT was correct in finding that Mr. Dolgoplov's application was not receivable *ratione temporis* as he failed to satisfy the legal framework governing the deadlines for management evaluation and jurisprudence regarding receivability *ratione temporis*.

42. The Secretary-General points out that Mr. Dolgoplov should have been notified about the contested decision no later than 17 July 2023, counting 60 days backward from the date of his request to the MEU, which was on 16 September 2023.

43. The Secretary-General submits that the UNDT correctly found that Mr. Dolgoplov should have been able to accurately determine that DSS/SSS had decided to reject his request to take any action regarding his complaint concerning the Law Enforcement Agency, when DSS/SSS notified him that they had no "capacity to conduct a proper investigation" and would only be able to hand over his case to local law enforcement, and would not be able to "provide any further services", unless Mr. Dolgoplov provided DSS with additional information and evidence and/or contacted local law enforcement authorities.

44. The Secretary-General avers that Mr. Dolgoplov merely expresses his disagreement with the UNDT's finding but fails to point to any error in the impugned Judgment and state the grounds he relied upon in asserting that the Judgment is defective.

45. The Secretary-General points out that it is not sufficient for Mr. Dolgoplov to state that he disagrees with the outcome of the contested decision and fails to explain in what way the 18 May 2023 e-mail conveyed only an "initial" and not a "final" assessment.

46. The Secretary-General avers that the UNDT's findings on the merits of the contested decision constitute *obiter dicta* and the UNAT has held that "[a]ddressing the merits of an application which is not receivable is an error of law, and such comments are *obiter dicta*, which should be stricken".²⁶

47. The Secretary-General submits that since Mr. Dolgoplov's application was not receivable, the claims raised in his application were not before the UNDT for a decision on the merits. Further, the UNDT exceeded its jurisdiction since it had no competence and jurisdiction to make factual findings and reach any legal conclusions on the merits of Mr. Dolgoplov's claims, and the correctness of such findings and conclusions cannot be the basis of an appeal.

48. The Secretary-General requests that the UNAT dismiss the appeal in its entirety.

Considerations

Request for an oral hearing

49. We start with Mr. Dolgoplov's request for an oral hearing. The reason advanced for his request is "to allow the Appeals Tribunal to review all pertinent evidence which was not intentionally considered by the UNDT judge". An oral hearing is governed by Article 8(3) of the Appeals Tribunal Statute (Statute) and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules). Under these statutory provisions, an oral hearing before the UNAT does not aim to provide any further oral evidence or otherwise, but to discuss elements of fact and law which are already on the record.²⁷

²⁶ The Secretary-General refers to *Khan v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-727, para. 30.

²⁷ *Gabriel Vincent Branglidor v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1234, para. 32.

50. In the present case, the factual and legal issues arising from the appeal have already been clearly defined by the parties in their pleadings, such that we need no further clarification or evidence. In addition, we do not find that an oral hearing would “assist in the expeditious and fair disposal of the case” as required by Article 18(1) of the Rules. Moreover, the appeal turns on receivability which must be resolved at the threshold before the substantive matter is heard on the merits, including the request for an oral hearing.

51. The request is therefore denied.

Receivability

52. Before us is an appeal that challenges Judgment No. UNDT/2024/087 delivered on 29 October 2024, finding Mr. Dolgoplov’s application contesting “the failure of the Secretary-General to protect him in his residence and to safeguard the immunity of the Organization” not receivable.²⁸

53. At the outset, Staff Rule 11.2 sets out the requirements for a request by a staff member for management evaluation. It states, in relevant part, thus:

(a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.

...

(c) A request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested. This deadline may be extended by the Secretary-General pending efforts for informal resolution conducted by the Office of the Ombudsman, under conditions specified by the Secretary-General.

54. We have repeatedly recognised a timely request for management evaluation as a mandatory first step in the appeals process and a prerequisite to invoke the UNDT’s jurisdiction.²⁹ The time limit for requesting management evaluation is subject to strict compliance. The sanction for non-compliance with this mandatory internal procedure is the non-receivability of the

²⁸ Impugned Judgment, para. 1.

²⁹ *Mohanna v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-687, para. 29 (internal citation omitted); *Survo v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-644, para. 34.

application challenging the contested decision. Our jurisprudence mandates that both Tribunals (the Appeals Tribunal and the Dispute Tribunal) must strictly adhere to the statutory filing deadlines as one of the ways to ensure the timely hearing of staff members' cases and the prompt rendering of judgments.³⁰

55. Turning to the matter at hand, the contentious issues in this appeal border on the date the contested decision was issued or notified to the staff member and when the time limit for request for management evaluation was triggered.

56. To determine the date on which a staff member must seek management evaluation of an administrative decision, it is incumbent on the UNDT first to establish the date on which the staff member knew or reasonably should have known of the contested decision.³¹

57. In the instant case, the UNDT concluded that Mr. Dolgopolov's request for management evaluation was untimely under Staff Rule 11.2(c), thereby making his application not receivable. The UNDT specifically found that, by the e-mail of 14 April 2023 from DOS, or at the very latest by the 18 May 2023 e-mail from DOS, Mr. Dolgopolov "should reasonably have been able to accurately determine that in the given circumstances, DSS/SSS had decided to reject his request to take any action regarding his complaint concerning the relevant law enforcement agency."³²

58. The UNDT identified 18 May 2023 as the latest date the contested decision was notified to Mr. Dolgopolov and considered that his request for management evaluation filed on 16 September 2023 was untimely, because it was filed beyond the expiry of the 60-day deadline stipulated in Staff Rule 11.2(c).

59. Mr. Dolgopolov submits that the UNDT erred in law by concluding that he was notified of the contested decision on 18 May 2023. He contends that the 18 May 2023 communication from DOS merely informed him of DSS' "initial assessment" that no credible threats existed and did not "convey finality or constitute a conclusive determination" of his request for protection. Again, he argues that the decision that no further action would be taken on his request only became clear on

³⁰ *Eng v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-520, para. 22 (internal citation omitted).

³¹ *Chahrour v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2014-UNAT-406, para. 31.

³² Impugned Judgment, para. 32.

22 August 2023, when the Deputy Chief of SSS refused to address the matter anymore and classified his concerns as “harassment”.

60. On the other hand, the Secretary-General argues that Mr. Dolgoplov’s assertions do not identify any defects in the impugned Judgment, and he also fails to explain how the 18 May 2023 e-mail from DOS only conveyed an “initial assessment”.

61. We recall that the notification of an administrative decision to a party is the decisive act that triggers the time limit for a request for management evaluation.³³ The Appeals Tribunal has repeatedly ruled that the decisive moment of notification for purposes of Staff Rule 11.2(c) is when “all relevant facts were known, or should have reasonably been known.”³⁴ Therefore, it is apposite to review the content of the 14 April 2023 and May 18 2023 e-mails to determine whether the contents constituted sufficient notification of all the relevant facts relating to the contested decision to Mr. Dolgoplov.

62. The e-mail of 14 April 2023 from a DOS staff member to Mr. Dolgoplov, reads, in relevant part:

I have contacted DSS and I have been informed that they looked into your case and spoken to you several times since last Friday. They also informed me that, while they have not found any evidence of threats against you, they are monitoring your case and will remain in contact with you.

63. In the same vein, the e-mail of 18 May 2023, states, in relevant part, that:

Regarding your personal safety, as we had previously noted, if you have concerns about your safety, you should be in touch directly with DSS. There is no mechanism outside the DSS through which to carry out investigations or provide personal protection. Additionally, from the limited information provided, we understand that DSS have not been able to establish any credible threat to you and your family. I’m sure DSS would be happy to re-engage with you should you have additional information or wish to refer the matter to local law enforcement.

64. Now, even if the e-mail of 14 April 2023 was not completely clear, the e-mail of 18 May 2023 was quite unequivocal that “DSS would be happy to re-engage with [him], should [he] have additional information or wish to refer the matter to local law enforcement”. This clearly

³³ *Krioutchkov v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-691, para. 20.

³⁴ *Auda v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-746, para. 31, citing *Krioutchkov* Judgment *op. cit.*, para. 21.

indicates that until additional information emerges or a decision to refer that matter to local law enforcement was made, the Administration had ceased further action.

65. In substance, the two e-mails of 14 April and 18 May 2023 unequivocally notified him of the Administration's stance, notably their inability to act further on his request for personal protection, unless Mr. Dolgoplov provided additional information or elected to refer the matter to local law enforcement. This constituted the final decision of the Administration subject to judicial review. It is clear from the records that Mr. Dolgoplov neither furnished DSS/SSS with any additional information nor did he take steps to refer the matter to local law enforcement. Therefore, we agree with the Administration that as of 18 May 2023, Mr. Dolgoplov had been reasonably informed of the decision of the Administration which was subject to management evaluation.

66. Consequently, the time for Mr. Dolgoplov to request management evaluation was triggered from 18 May 2023 at the latest, and his request had to be filed no later than 17 July 2023, counting 60 days forward from the date he was sufficiently notified of the contested decision. His request for management evaluation dated 16 September 2023, filed beyond 60 calendar days from the date of the notification of the contested decision, was time-barred rendering his application before the UNDT not receivable.

67. Again, it is understandable that the subject line of an e-mail often governs or guides its content or operative part. And it is crucial in e-mail communications as it conveys its purpose and contents. The subject lines of the 14 April and 18 May 2023 e-mails had as subject lines: "Request for information about steps taken to address my report about the incident – the attempt of host country law enforcement to recruit me" and "Request for urgent assistance with attempt of host-country law enforcement to recruit me", respectively. Whereas the subject lines of all subsequent e-mail exchanges after 18 May 2023, specifically those of 21 and 22 August 2023, had as subject lines "Request for clarification with the DSS threat and risk assessment regarding possible threat to me and my family".

68. In this light, the subject line of the e-mail exchanges after 18 May 2023 clearly indicated that the Administration was merely responding to a request to *clarify* from Mr. Dolgoplov of the basis of an administrative decision that had been taken earlier. He cannot then rely on the clarifications, discussions or reiterations of the contested decision to reset the clock with respect to the statutory timeline to request management evaluation.

69. In *Fayek-Rezk*, we stated that:³⁵

... The Appeals Tribunal has 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. For this reason, a staff member cannot reset the time for management evaluation by asking for a confirmation of an administration decision that has been communicated to him earlier.

70. Moreover, even the repetition of an administrative decision by the Secretary-General does not reset the time limit so that the 60 days for seeking management evaluation begins anew with each reiteration of the same decision.³⁶

71. We find therefore that Mr. Dolgoplov undisputedly knew all the relevant facts and was sufficiently made aware and properly notified of the contested decision by at least 18 May 2023. Moreover, staff members are presumed to know the rules applicable to them and it is the staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations.³⁷ We agree with the Secretary-General that Mr. Dolgoplov ought to have known in May 2023 that he had been notified of the contested decision for the purpose of filing a timely request for management evaluation under Staff Rule 11.2(c) and drawing the legal consequences therefrom. Especially as in this case his interaction with the Administration was entirely based on e-mail exchanges between them.

72. In the circumstances, we find that the Dispute Tribunal did not err in finding Mr. Dolgoplov's application not receivable.

73. Based on the conclusion above, and because the UNDT and the UNAT have resolved similar controversies, which turn on virtually the same subject matter and with similar arguments involving Mr. Dolgoplov, by finding such contentions not receivable *ratione materiae*, we think the repeated institution of such claims by Mr. Dolgoplov require a caveat. The Appeals Tribunal may consider it an abuse of process if Mr. Dolgoplov files a future appeal or application that involves this same subject matter.

³⁵ *Maha Fayek-Rezk v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1162, para. 28 (internal citations omitted).

³⁶ *Palash Kanti Das v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1433, para. 50.

³⁷ *Amany v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-521, para. 18 (internal citation omitted).

Judgment

74. Mr. Dolgopolov's appeal is dismissed, and Judgment No. UNDT/2024/087 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 27th day of June 2025 in New York, United States.

(Signed)

Judge Forbang

(Signed)

Judge Gao

(Signed)

Judge Sheha

Judgment published and entered into the Register on this 18th day of July 2025 in New York, United States.

(Signed)

Juliet E. Johnson
Registrar