



**Before:** Judge Thomas Laker

**Registry:** Geneva

**Registrar:** René M. Vargas M.

VUKASOVIC

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**SUMMARY JUDGMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Karen M. Farkas, UNHCR

## **Introduction**

1. By application submitted by email on 29 March 2016, subsequently completed and filed through the Tribunal's e-Filing system ("CCMS") on 5 April 2016, the Applicant contests his non-selection to the post of Communication Associate, G-6, United Nations High Commissioner for Refugees ("UNHCR"), Croatia.

## **Facts**

2. In January 2016, the vacancy announcement for the above-referenced post was issued, with a closing deadline of 22 January 2016. It required, *inter alia*, "[c]ompletion of the Secondary Education with post-secondary training in Social Science, Journalism, Humanities or related field". The Applicant indicated that he was informed of his non-selection to the post in February 2016.

3. In response to the Applicant's email submission of 29 March 2016, the Tribunal asked him on 30 March 2016 to complete his submission, using the correct application form. It further encouraged the Applicant to get acquainted with the information on "decisions" and "preliminary steps" available on the Tribunal's website.

4. The Applicant filed the duly signed application form on 5 April 2016. He further stated that he had never formally asked for management evaluation.

5. On 20 April 2016, the Tribunal wrote to the Applicant informing him that according to art. 8.1(c) of the Tribunal's Statute, for an application to be receivable, an Applicant must previously have submitted the contested decision for management evaluation. The Tribunal further advised the Applicant that since he had not filed a request for management evaluation prior to filing his application, he may want to consider withdrawing it.

6. The Applicant responded on 21 April 2016, stating that he never received a notification of any administrative decision for which he could formally file a complaint, and that "asking for management evaluation from the same persons

that humiliated and discriminated [him] looks like a failure from the beginning”. He informed the Tribunal that he did not want to withdraw his application.

### **Applicant’s submission**

7. The Applicant argues that he was disqualified because he did not have a University diploma, and his internal status of former UNHCR employee was completely useless. Additionally, he claims that “[a]ll job decisions were made privately, and the Administrative officer was hiring by her own choice”.

### **Consideration**

8. Under art. 8.1(c) of its Statute, the Tribunal has jurisdiction to consider an application only if an applicant has previously submitted the contested administrative decision for management evaluation, where required. The Tribunal therefore has to first determine whether the present application is receivable, *ratione materiae* (*Egglefield* 2014-UNAT-402).

9. It results from the information provided by the Applicant that he learned sometime in February 2016 that he was not selected for the above-referenced post. At the time of his filing the application, the Applicant had not submitted a request for management evaluation of that decision, and his response to the Tribunal leaves no doubt that he does not intend to file such a request.

10. It results from the foregoing, that a mandatory requirement for the application to be receivable is missing; hence, the present application is irreceivable *ratione materiae* and the Tribunal is not competent to consider it.

11. The above is a matter of law, which may be adjudicated even without serving the application to the Respondent for reply, and even if it was not raised by the parties (see *Gehr* 2013-UNAT-313, *Christensen* 2013-UNAT-335).

12. Therefore, the Tribunal decides on the present application by way of summary judgement, in accordance with art. 9 of its Rules of Procedure, which provides that the Tribunal may determine, on its own initiative, that summary judgement is appropriate.

**Conclusion**

13. In view of the foregoing, the Tribunal DECIDES:

The application is rejected.

*(Signed)*

Judge Thomas Laker

Dated this 27<sup>th</sup> day of April 2016

Entered in the Register on this 27<sup>th</sup> day of April 2016

*(Signed)*

René M. Vargas M., Registrar, Geneva