



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

AZAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
AAS/ALD/OHR

Introduction

1. The Applicant is a former staff member who served with the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Mission in Liberia (UNMIL). He separated from service of the Organization on 18 July 2016.
2. On 21 August 2019, the Applicant filed an application with the United Nations Dispute Tribunal in Nairobi to challenge the calculation of his entitlements and pension remuneration.
3. The Applicant has not submitted a request for management evaluation.

Considerations

4. Article 8 of the UNDT Statute provides:
 1. An application shall be receivable if:
[...]

(c) An applicant has previously submitted the contested administrative decision for management evaluation, where required;
5. As a corollary, staff rules 11.2(a) and (c) and 11.41 require a staff member to first approach the Secretary-General for the resolution of a dispute within sixty (60) days of being notified of the impugned decision.
6. Exceptions from the obligation to request management evaluation are defined in staff rule 11.2(b). The impugned decision does not fall under any of these exceptions; the Applicant, therefore, was required to submit a request for management evaluation. He has not done so. Where a request for management evaluation is a mandatory first step in commencing proceedings, the Tribunal has no power to dispense with this

¹ ST/SGB/2014/1 (Staff Rules and Staff Regulations of the United Nations).

requirement. Moreover, it is settled law that there is no power to waive the deadlines for requesting management evaluation.²

7. Given the Tribunal's finding that the claim is not receivable because of the Applicant's failure to request management evaluation, the Tribunal does not find it necessary to require the Respondent's reply.

Judgment

8. The claim is not receivable and is dismissed in its entirety.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 29th day of August 2019

Entered in the Register on this 29th day of August 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

² See *Costa* 2010-UNAT-036; *Trajanovska* 2010-UNAT-074; *Sethia* 2010-UNAT-079; *Ajdini et. al.* 2011-UNAT-108.