



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

CHERNEVA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON RECEIVABILITY**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

N/A

## **Introduction**

1. By application filed on 31 January 2020, the Applicant contests a decision concerning her appointment for a position of Associate Human Rights Officer at the P-2 level with the Office of the United Nations High Commissioner for Human Rights (“OHCHR”) in 2010.

## **Consideration**

### *Preliminary observation*

2. Pursuant to art. 8.4 of the Tribunal’s Rules of Procedure, the Registrar “shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate” after ascertaining that the application is in compliance with articles 8.1 and 8.3 of the said Rules. Under art. 10 of the Tribunal’s Rules of procedure, the Respondent shall have 30 calendar days to submit a reply.

3. The Tribunal has, on several occasions, considered matters of receivability on a priority basis without first serving the application on the Respondent or awaiting the Respondent’s reply, in order to consider the claim (see *Hunter* UNDT/2012/036, *Milich* UNDT/2013/007, *Masykkanova* UNDT/2013/033, *Kalpokas Tari* UNDT/2013/180, *Karambizi* UNDT/2018/001, *Madi* UNDT/2018/006, *Nwogu* UNDT/2018/041 and *Morales* UNDT/2019/158).

4. After a review of the application and its supporting documents, the Tribunal deems that the present matter can be determined on a priority basis without first transmitting a copy of the application to the Respondent for a reply.

### *Receivability*

5. The issue arising for consideration is the receivability of the present application. In *Christensen* 2013-UNAT-335, the United Nations Appeals Tribunal (“the Appeals Tribunal”) held that “the UNDT is competent to review its own competence or jurisdiction in accordance with Article 2(6) of its Statute” when determining the receivability of an application. The Appeals Tribunal wrote that:

This competence can be exercised even if the parties of the administrative authorities do not raise the issue, because it constitutes a matter of law and the Statute prevents the UNDT from receiving a case which is actually non-receivable.

6. The Tribunal has, accordingly, chosen to proceed by way of a judgment on receivability as it is competent to raise the issue of jurisdiction *sua sponte*.

7. The Applicant asserts in her application that she was selected for a position of Associate Human Rights Officer with OHCHR in October 2010. She claims at the time of her selection for said position, she was working as a consultant with another agency and that she did not extend her consultancy contract because she had been advised by a Senior Advisor at OHCHR that she would join OHCHR at the beginning of 2011. However, she never received a contract and was thus left without a job.

8. The Tribunal has reviewed the present application and finds that it is not receivable *ratione temporis*.

9. The Tribunal notes that while the Applicant contests a decision that took place in late 2010, she only filed an application with the Tribunal in January 2020, that is almost nine years later.

10. The record shows the Applicant requested management evaluation of the contested decision on 30 January 2020, and she received a response on 31 January 2020, informing her that her request was time-barred. The same day, she filed the present application before the Tribunal.

11. In accordance with art. 8.4 of the Tribunal's Statute and art. 7.6 of its Rules of Procedure, an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision. The Applicant has clearly indicated in her application that the contested decision dates to 2010 and, as such, her application is not receivable *ratione temporis*.

## **Conclusion**

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

Case No. UNDT/GVA/2020/008

Judgment No. UNDT/2020/073

To reject the application as irreceivable.

*(Signed)*

Judge Teresa Bravo

Dated this 21<sup>st</sup> day of May 2020

Entered in the Register on this 21<sup>st</sup> day of May 2020

*(Signed)*

René M. Vargas M., Registrar, Geneva