



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/028
Judgment No.: UNDT/2022/053
Date: 31 May 2022
Original: French

Before: Judge Joelle Adda

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

NZEYIMANA

v.

SECRETARY-GENERAL OF THE UNITED
NATIONS

JUDGMENT

Counsel for Applicant:

None

Counsel for Respondent:

ALD/OHR, UN Secretariat

Introduction

1. On 27 May 2022, the Applicant, a staff member of the United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”), filed an application for rescission of the decision dated 4 April 2022 informing him that his “salary for the next four months will be suspended if [he] does not justify why [he] has a total of 6 months of unexcused absence.”

2. By email dated 27 May 2022, the Registry acknowledged receipt of this application, sent it to the Respondent and informed the Applicant that “[i]n accordance with Judge Adda’s instructions, the application is rejected because the Applicant indicated that he has not submitted a request for management evaluation, whereas the Tribunal recalls that this is mandatory under staff rule 11.2 (a).” It was further stated that “[a] reasoned judgment of the Tribunal will be issued at a later date.” The present judgment is the reasoned judgment in question.

Consideration

3. Under staff rule 11.2 (a), a staff member wishing to formally contest an administrative decision before the United Nations Dispute Tribunal “shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.” The only decisions that a staff member may contest directly before the Tribunal without having filed a request for management evaluation are, under rule 11.2 (b), “an administrative decision taken pursuant to advice obtained from technical bodies, as determined by the Secretary-General, or a decision taken at Headquarters in New York to impose a disciplinary or non-disciplinary measure pursuant to staff rule 10.2 following the completion of a disciplinary process.”

4. The Tribunal notes that, since the contested decision is not exempt from the requirement of a management evaluation under staff rules 11.2 (a) and (b), the application is not receivable.

Conclusion

5. In light of the foregoing, the Tribunal rejects the application as not receivable.

(Signed)

Judge Joelle Adda

Dated this 31st day of May 2022

Entered in the Register on this 31st day of May 2022

(Signed)

Morten Albert Michelsen, Officer-in-Charge, the New York Registry