



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/075

Judgment No.: UNDT/2022/093

Date: 28 September 2022

Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

YOUNES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

Sandra Lando, UNHCR

Marisa MacLennan, UNHCR

Introduction

1. The Applicant is currently a staff member of the United Nations High Commission for Refugees (“UNHCR”). At the time of the contested decision, her duty station was Nairobi, Kenya. On 29 August 2022, she filed an application contesting a 10 May 2022 decision to select another staff member for the position of Senior Interagency Coordinator, P-4.
2. The application was served on the Respondent on 2 September 2022.
3. On 16 September 2022, the Respondent filed a motion for summary judgment pursuant to art. 9 of the UNDT Rules of Procedure.
4. On 26 September 2022, the Applicant filed her response to the Respondent’s motion.

Considerations

5. The Tribunal finds that this application is not receivable for the reason outlined below.
6. Pursuant to art. 8.1(c) of the Statute of the Dispute Tribunal, the jurisdiction of the Dispute Tribunal can only be invoked in certain cases if a contested administrative decision has been previously submitted for management evaluation. Thus, a mandatory first step for an applicant prior to the submission of an application to the Dispute Tribunal is to request management evaluation of the contested administrative decision.
7. Staff rule 11.2(c) provides that:

A request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within sixty 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.

8. The Applicant is clear at section VII of her application (details of the contested decision) that she is contesting a decision that was communicated to her by UNHCR's Division of Human Resources Management on 10 May 2022. Consequently, the Applicant should have requested management evaluation by 9 July 2022 but she did not do so until 13 July 2022.

9. The application is not receivable on the ground that the Applicant did not request management evaluation of the contested decision within the time limit required under staff rule 11. 2(c) and art. 8.1(c) of the Dispute Tribunal's Statute. The Tribunal notes that it may not waive the management evaluation deadline¹.

JUDGMENT

10. The application is dismissed.

(Signed)
Judge Eleanor Donaldson-Honeywell
Dated this 28th day of September 2022

Entered in the Register on this 28th day of September 2022

(Signed)
Abena Kwakye-Berko, Registrar, Nairobi

¹ Article 8.3 of the UNDT Statute.