



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

BADERHAKUGUMA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
N/A

Introduction

1. On 21 June 2024, the Applicant filed an incomplete application on the merits.
2. On 2 August 2024, the Registry indicated to the Applicant what was missing and advised him to complete his application not later than 21 August 2024. Key among the missing documents, were copies of his request for management evaluation of the contested decision and a response from the Management Advice and Evaluation Section (“MAES”).
3. On 16 August 2024, the Applicant requested management evaluation.
4. On 20 August 2024, MAES acknowledged receipt of the Applicant’s above request. MAES also advised the Applicant that pursuant to staff rule 11.2(d), his management evaluation is to be completed within 45 calendar-days, *i.e.*, by 30 September 2024.
5. By email of 21 August 2024, the Applicant requested the Tribunal to put his application on hold in light of the response from MAES.

Consideration

6. In accordance with art. 8(c) of the Statute of the United Nations Dispute Tribunal, an application is receivable if:

An applicant has previously submitted the contested administrative decision for management evaluation, where required.

7. Absent a request for management evaluation, the Tribunal may not consider the merits of a case.
8. Clearly, as reflected in the documents on record, the Applicant filed his application on 21 June 2024, but requested management evaluation on 16 August 2024. Furthermore, the management evaluation response period is still running. It follows that the Applicant filed his application prematurely.
9. Accordingly, the application has to be dismissed.

10. The Applicant is, however, free to file a new application on the merits within the statutory 90-day deadline counted, at the earliest, from the date he receives a response from MAES or, at the latest, from 30 September 2024.

Conclusion

11. In view of the foregoing, the Tribunal DECIDES to reject the application as irreceivable.

(Signed)

Judge Sean Wallace

Dated this 23rd day of August 2024

Entered in the Register on this 23rd day of August 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi