



7. By e-mail dated 25 April 2018, the UNICEF Supply Division informed Ms. Wozniak, *inter alia*, that they had received a notification from DHR09 Tw 5.-9.8gh(o)-1.5 (nm.6 (RC.7p8).098 Tw 9.4

B7E

16. By an application filed on 3 December 2019, Ms. Wozniak contested the decision to separate her from service on 30 April 2019 by retirement upon her reaching the age of 62 years.

17. By Order No. 51 (GVA/2021) of 17 February 2021, the UNDT informed the parties of its finding that the matter could be determined on the papers without holding a hearing and ordered them to file closing submissions by 25 February 2021.

18. On 5 March 2021, the UNDT issued Judgment No. UNDT/2021/019 dismissing the application as not receivable *ratione materiae*. The UNDT considered that Ms. Wozniak had requested management evaluation of the 25 July 2017 Separation from Service Notification on 24 July 2019, i.e., around two years later. Even if the UNDT were to consider that the date of Ms. Wozniak's effective separation from service was the relevant date her claims would still be not receivable, since in that case the deadline for Ms. Wozniak to request management evaluation would have been 1 July 2019, i.e., 60 calendar days after 30 April 2019, the date she separated from service. However, she only filed her request on 24 July 2019. Finally, the UNDT held that Ms. Wozniak's attempts to resolve the matter informally through the Ombudsman or discussing the case with OSLA could not have had any impact on her obligation to request management evaluation of the contested decision by 25 September 2017. Accordingly, her request for management evaluation was untimely.

19. Ms. Wozniak appealed the UNDT Judgment on 22 April 2021.¹ On 6 July 2021, the Secretary-General filed his answer.

Submissions

Ms. Wozniak's Appeal

20. Ms. Wozniak submits that the rotation process linked to the retirement process was not performed correctly. During the rotation process performed by UNICEF in 2017, her post was wrongly qualified as rotational. Ms. Wozniak asked that her post be qualified as nonrotational,

follo ,26p02 Tc ()]20.8 0.r.4 (),26p0B Tc 96p1vC /Span 152oApm 8.576 yP Tw 33.63 0 w -33.63 at i0.0044

not be receivable by the SecretaryGeneral unless it is sent within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contest3.9 (u)0u 2.349 (u)2

rejected by UNAT. Accordingly, the UNDT correctly found that Ms. Wozniak had failed to timely request management evaluation of the 25 July 2017 Separation from Service Notification.

26. Ms. Wozniak's other claims are outside the scope of the case. As the UNDT correctly found the case not receivable, it did not address the merits of the claims set out in the application. All arguments presented by Ms. Wozniak relating to the merits of the case are outside of the scope of the Tribunal's jurisdiction. Ms. Wozniak has not identified any error of the UNDT Judgment on questions of fact or law warranting the reversal of the Judgment. Accordingly, UNAT should dismiss the appeal and uphold the Judgment in its entirety.

Considerations

27. Under Article 8(1) (c) of the UNDT Statute, an application shall be receivable if the applicant has previously submitted the contested decision for management evaluation where required. This obligation upon the applicant is also prescribed in Staff Rule 11.2(a), which provides that a staff

THE UNITED NATIONS

Judgment

34. The appeal is dismissed and Judgment No. UNDT/2021/019 is affirmed.

Original and Authoritative Version: English

Dated this 18th day of March 2022.

(Signed)

Judge Raikos, Presiding
Athens, Greece

(Signed)

Judge Murphy
Cape Town, South Africa

(Signed)

Judge Halfeld
Juiz de Fora, Brazil

Entered in the Register on this 18th day of May 2022 in New York, United States.

(Signed)