



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2014/045
Judgment No.: UNDT/2015/096
Date: 15 October 2015
Original: English

Before: Judge Coral Shaw
Registry: Nairobi
Registrar: Abena Kwakye-Berko

COX

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Michael Shanahan

Counsel for the Respondent:
Steven Dietrich, ALS/OHRM
Alister Cumming, ALS/OHRM

Considerations

7. In ~~Simmons~~Order No. 325 (NY/2010), a case relating to the filing of appeals under the former staff rules, the Tribunal held that the applicable time limits should be strictly applied and that the time limits specified in former staff rule 111.2 were applicable to both incomplete and complete statements of appeal. Noting that the language of the rule did not specify whether it applied only to a full statement of appeal or whether the rule was also applicable in those instances where an incomplete statement of appeal had been filed, the Tribunal stated:

[...]The manner in which an appeal is initiated (complete or full) is not legally-determinative. Rather what is critical is that an appeal was filed in a timely manner...the filing of an incomplete statement of appeal establishes the date of the appeal, for the purposes of staff rule 111.2 and is sufficient for the purposes of that rule.

8. Former staff rule 111.2 materially provided:

(a) A staff member wishing to appeal an administrative decision pursuant to staff regulation 11.1 shall, as a first step, address a letter to the Secretary-General requesting that the administrative decision be reviewed; such letter must be sent within two months from the date the staff member received notification of the decision in writing. The staff member shall submit a copy of the letter to the executive head of his or her department, office, fund or programme.

(i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer T Q q BT /4264 Tm [(8(h)-1.)-20(1)-32(n)31(-)-3(-)-27

(a)

Entered in the Register on this 15th day of October 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi