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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/134

Judgment No.: UNDT/2018/007

Date: 22 January 2018

Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

MULIPI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON RECEIVABILITY**

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**Counsel for the Applicant:**

Self-represented

**Counsel for the Respondent:**

Thomas Jacob, UNDP

## **Introduction**

1. The Applicant is a former staff member of the Office for the Coordination of Humanitarian Affairs (OCHA) in the Democratic Republic of the Congo (DRC).



\$SSOLFDQW¶V 6XEPLVVLRQV

15. 7KH 81'3 SROLF\ RQ ³\$JUHHG 6HSDUDWLRQ \$UUDQJHP  
applied to the Applicant considering that his post was abolished as a consequence  
of a restructuring exercise 7KLV SROLF\ SURYLGHV WKDW ³DJUHHG VH  
be granted even in cases of non-renewal of contract of eligible long serving fixed-  
term 100-series staff members FRQYHUWHG LQWR )7\$ RQ -XO\

16. During a meeting that took place in March 2017 with all staff to discuss the  
restructuring exercise, the Organization gave reasonable assurances to the staff  
affected by this exercise concerning the payment of termination indemnities which  
were due to be c

WKDW WKH FRQWHVWHG GHFLVLRQ ZDV WDNHQ RQ -XQH  
limit by which the Applicant was required to submit his request for management  
evaluation, H[SLUHG RQ \$XJXVW 7KHUHIRUH WKH \$SSO  
management evaluation filed on 20 August 2017 is time-barred.

20. 7KH 2UJDQL]DWLRQ¶V UHVSRQVH RI 2FWREHU W  
for management evaluation did not waive the statutory requirement regarding the  
time-limit for requesting management evaluation. Rather, the response to the  
\$SSOLFDQW¶V UHTXHVW VROHO\ VHUYHG WKH SXUSR VH R  
2+5¶V 6HSWHPEHU QRWLILFDWLRQ WKDW LW KDG VH  
WKH \$SSOLFDQW¶V UHTXHVW IRU PDQDJHPHQW HYDOXDW

21. Since t KH \$SSOLFDQW¶V UHTXHVW IRU PDQDJHPHQW HYD  
time, there is no need for the Tribunal to consider the merits of the present  
application. The Respondent requests the Tribunal to dismiss this matter in its





