
Case No.: UNDT/NBI/2019/146
Judgment No.: UNDT/2020/099
Date: 29 June 2020
Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

QASSEM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for Applicant:
Mohammed Abdou, OSLA

Counsel for Respondent:
Michael Appiateng, UNDP

November 2011 as an Administrative Clerk G-3/Step 5 level and his duty station was registered as East Jerusalem.

7. He continued to work there until November 2015 when, after he raised a complaint about the then Depu4.

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he remained in Ramallah without any work since abolition of the Governance Team. That abolition took effect in September 2018.

16. He put his concerns in writing again on 18 April 2019. This time, the communication did not reiterate the request to return to East Jerusalem but he spoke again to the issue of matching him to a specific post based on the 18 September 2019 correspondence following the restructuring. The Applicant said, still unaware of the reasons as to why I am not authorized to perform the functions set

17. On 8 May 2019, a response was sent to the Applicant reiterating that his post had not changed. It is by reference to this correspondence that the Applicant, by his request for management evaluation, sought to affix the challenged decision date.

18. On 25 July 2019, a response to the management evaluation letter was sent 18 September 2018 no-change-of-function decision. The Applicant was informed that no timely request the management evaluation was made concerning that decision and that later reiterations of a decision did not constitute new decisions. As such he was informed that the request was time-barred and not receivable.

questions about it from the Applicant culminating in the final reiteration on 8 May 2019 the 2015 decision is of no moment.

25. Secondly, the correspondence he sent on 18 April 2019 sought to address a decision other than the one embodied in the 18 September 2019 no-change letter. Thus, the Applicant is saying the 8 May 2019 letter represents a new decision. It was only then, he claims, it was made clear to him that the UNDP had no intention to reassign him his functions or move him back to Jerusalem.

26. This is clearly not correct on the record of the correspondence between the parties. The Respondent repeatedly told the Applicant in writing from July 2018 to May 2019 that there was no change in his functions, and he was to perform the same duties that had always been assigned in Ramallah.

27. The Respondent's many reiterations, up to May 2019, of the position made clear since September 2018 did not give rise to a new challengeable decision so as to bring forward the time within which a request for management evaluation could be made. Even the allegation that no work was given to the Applicant was, in his correspondence, pegged back to the time of the abolition of the Governance Team which was effective September 2018.

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(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 29th day of July 2020