
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/020
Judgment No.: UNDT/2020/138
Date: 7 August 2020
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

WENZ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:
Alex Haines

Counsel for Respondent:
Kevin Browning, UNICEF
Matthias Schuster, UNICEF

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11. Alternatively, the Applicant submits that her mental state was incapacitating. Therefore, as a person making claims on behalf of an incapacitated staff member, counsel had one calendar year to submit the application as per art. 7.2 of the Tribunal's Rules of Procedure.

12. Article 8.3 of the Tribunal's Statute provides that the Tribunal "may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a

a. The Applicant failed to identify a specific administrative decision

20. The Respondent argues that the Applicant has failed to identify any specific

24. The Applicant responds that the Respondent is barred from raising the issue of receivability at this stage given that he did not object to the timeliness when he provided his response.

25. The Applicant further submits that while she met with the personnel of the Ethics Office and the Division of Human Resources in early 2019, the exchanges with UNICEF continued thereafter with several UNICEF officials who reassured the Applicant that she would be provided with the required care and support.

26. Further, the Applicant recalls that she entered mediation with UNICEF in November 2019.

27. The Tribunal notes that in the application, the Applicant lists a number of instances which she

31. Finally, with respect to her fourth allegation that UNICEF failed to provide social protection, the Applicant does not specify any particular instance of implied decision stating that UNICEF did not discuss the continuation of her employment and withheld information about her entitlements.

32. The Applicant further submits that her performance review of October 2019 failed to account for her personal situation.

33. In light of these submissions, by her own admission, the Applicant was aware between 2018 and October 2019 of UNICEF's alleged implied administrative decisions with which she disagreed.

34. However, despite identifying alleged implied administrative decisions that she deemed in violation of her contractual rights from 2018 to October 2019, and despite numerous exchanges with UNICEF officials in this respect during that period of time, the Applicant did not file her request for management evaluation until 20 January 2020. Therefore, the contested implied administrative decisions identified up to October 2019 were not timely submitted for management evaluation within the statutory 60-day deadline.

35. The Tribunal notes further that the parties both acknowledge that they engaged in mediation in November 2019. However, it does not appear that a waiver of the deadline for requesting management evaluation was subsequently granted in application of staff rule 11.2(d).

36. In light of the above, the Tribunal finds that the Applicant did not submit a request for management evaluation of the

