



**Before:** Judge Vinod Boolell

**Registry:** Nairobi

**Registrar:** Jean-Pelé Fomété

AMEER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON RECEIVABILITY OF  
APPLICATION**

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**Counsel for applicant:**  
Self-represented

**Counsel for respondent:**  
ALS/OHRM, UN Secretariat

## **Introduction**

1. The Applicant submitted an application, dated 23 June 2010, in which he indicates that the author of the decision he is contesting is the Management Evaluation Unit (MEU) and that the decision

*First Reporting Officer and continuous mistreatment*”, which was not the subject matter of his 6 April 2009 request for management evaluation. The Tribunal also notes that the Applicant indicated in his application that he has not requested a management evaluation of the MEU decision he is challenging.

5. Based on the above, the Tribunal considers that the Applicant has not complied with the provisions of Article 8(1)(c) of the UNDT Statute as he has not submitted the decision he is currently contesting in his application for management evaluation.

6. The Tribunal takes the view that the underlying philosophy of management evaluation is to allow management the opportunity to rectify an erroneous, arbitrary or unfair decision. The relevant provision cannot be interpreted to mean that management evaluation is optional. It is not.

7. In light of the fact that management evaluation is a mechanism established to enable management to review a contested decision, the question arises whether the result of that review is an administrative decision within the meaning of Article 2 of the UNDT Statute.

8. The Tribunal considers that the review by MEU is not an appealable administrative decision within the meaning of Article 2 of the UNDT Statute but

**Conclusions:**

9. In light of the foregoing, the Tribunal concludes that the current application is