





would be terminated on 10 April 2009. The Applicant received this memorandum on 9 April 2009.

6. By e-mail to the Civilian Personnel Section, UNMIK, and the Acting Chief, Mission Support, UNMIK, dated 9 April 2009, the Applicant conveyed her belief that her termination was discriminatory and in breach of her rights as a staff member.

7. On the same day, the Applicant transmitted a complaint to the Chief Personnel Officer, UNMIK. She thereby requested that an investigation be conducted and that the implementation of the decision be suspended “until the propriety of UNMIK Liaison Office comparative review process and [her] case can be determined”.

8. On 20 May 2009, the Applicant submitted a similar complaint to the newly appointed Director, Mission Support, UNMIK, challenging the termination of her appointment and requesting an investigation into the comparative review procedure that preceded it.

9. According to the Applicant, on 6 June 2009, she contacted the Office of the United Nations Ombudsman.

10. The Applicant made a request for management evaluation by letter dated 15 July 2009 and received at the Management Evaluation Unit (MEU), UN Secretariat, on 16 July 2009.

11. The day after, 17 July 2009, the Acting Chief, MEU, replied to the above request, informing the Applicant that her request was not receivable, for she had failed to file it within the 60-day time limit prescribed by staff rule 11.2 (c). The MEU reply included a paragraph reading:

“Pursuant to Chapter XI of the Staff Rules, any recourse in







25.

appeal before the UNDT, you must do so within 90 calendar days after receipt of this letter”.

29. However, this statement is without prejudice the above-cited former staff rule 111.2 (f), according to which the failure to timely request the review by the Secretary-General of the contested decision entails in general the irreceivability of a subsequent appeal. The fact that the present application was filed within the time limits prescribed to this effect does not cure the previous failure to meet time limits at the earlier stage of administrative review or management evaluation.

30. The information provided by MEU in this regard was accurate and sufficiently clear. The Applicant was simply advised of her right to have the MEU findings reviewed by the Tribunal. By no means can she claim to have been misled by the Administration, or somehow induced to erroneously expect that UNDT would not take into account the lack of a timely request for administrative review or management evaluation.

31. Lastly, the Tribunal takes note that the Applicant, in her letter to MEU dated 15 July 2009, refers to the “state of affairs in the transition to a new administration of justice”, and regrets “that [she] was not in a position to seek [MEU’s] expertise earlier”, while hoping “that the exceptional circumstances that surrounded [her] would warrant a waiver” of the relevant time limits.

32. The transition to the new internal justice system, introduced as of 1 July 2009, may in no manner be regarded as an “exceptional circumstance”. Indeed, the passage to a new justice system had no impact on the Applicant’s ability to submit a timely request for review. This is obvious from the fact that the relevant period for the purpose of requesting administrative review – i.e. from the notification of the contested decision until the expiration of the time limit prescribed by former staff rule 111.2 (a), on 9 June 2009 – fell entirely under the



34. Concerning the Applicant's assertion that she contacted the Office of the Ombudsman on 6 June 2009, it should be noted that a mere contact would have had no impact on the time limit applicable to a request for administrative review.

35. Based on all the foregoing, the application at hand must be deemed