
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/143
Judgment No.

7. After, what the Applicant describes as “many weeks”, without a response to his request, the Applicant filed this application.⁶ He had not requested management evaluation.⁷

Respondent's submissions

8. The Respondent submits that the Applicant has not been the subject of any disciplinary or non-disciplinary measures listed under staff rules 10.2 (a) and 10.2 (b), nor is the notification of the closure of investigations against the Applicant a decision taken by a technical body. Accordingly, the Applicant was required to request the management evaluation prior to the submission of an application to the United Nations Dispute Tribunal (UNDT).

9. The Respondent therefore requests the Tribunal to find that the application is not receivable. Should the Tribunal find the application receivable, the Respondent requests that the deadline to file the Respondent's reply be extended for 27 days after the issuance of its order on receivability.

Considerations

10. Pursuant to art. 8.1(c) of the UNDT Statute, an application shall be receivable if “an applicant has previously submitted the contested administrative decision for management evaluation, where required.” An exception, as provided by staff rule 11.2 (b), is foreseen only in cases of where the advice was obtained from technical bodies, as determined by the Secretary-General, or of a decision taken at Headquarters in New York to impose a disciplinary or non-disciplinary measure. In the present case, there is no decision imposing disciplinary or administrative measures. The Applicant did not request management evaluation of any administrative decision related to the conduct of the investigation. Notwithstanding the question whether the Applicant would be capable of

was required to seek management evaluation before bringing his application to the Tribunal. This he did not do.

11. The failure to seek management evaluation before approaching the Tribunal precludes entertaining the application.