

Introduction

1. By application emailed on 12 September 2018 and filed on 13 September 2018, the Applicant, a staff member of the United Nations International Children’s Fund (“UNICEF”), challenges the “denial of [her] request to the Executive Director of [UNICEF] made on 3 May 2018 seeking an extension of time to file a Management Evaluation (the “Extension Request”)”.

2. The Applicant asserts that on 3 May 2018, she requested the Executive Director, UNICEF, to grant her an extension of time to submit a management evaluation against her 2017 performance appraisal. She then claims that:

UNICEF did not respond to the Extension Request until 27 June 2018, where UNICEF’s representative apologised

1. An application shall be receivable if:

...

(c) An applicant has previously submitted the contested administrative decision for management evaluation, where required; and

(d) The application is filed within the following deadlines:

(i) In cases where a management evaluation of the contested decision is required:

a. Within 90 calendar days of the applicant's receipt of the response by management to his or her submission; or

b. Within 90 calendar days of the expiry of the relevant response period for the management evaluation if no response to the request was provided. The response period shall be 30 calendar days after the submission of the bmis to the QIP. 138047 0 g (8 Td 9

9. The Applicant stated the following in her application form in respect of a question therein directed to management evaluation of the impugned decision (section VI of the application form):

1. Have you requested a management evaluation of the contested decision? The denial of the Extension Request means that a [management evaluation] has not been possible so far.

10. The contested decision in this case is the alleged refusal to grant an extension of time to file a request for management evaluation of a decision related to the performance evaluation of the Applicant. It does not concern a challenge against the performance evaluation itself. That would be a different decision. Unfortunately, the Applicant has confused the two matters in the answer given in the above question.

11. There is no doubt here, as recognized by the Applicant, that the decision she seeks to impugn cannot be challenged directly before the Tribunal and that the Applicant did not yet request management evaluation. Without considering whether the impugned decision is an administrative decision within the definition of art. 2 of the Tribunal's Statute, the Tribunal finds that it has no jurisdiction to entertain the application. The application is thus not receivable *ratione materiae*.

12. Further, if the Applicant is seeking an extension of time, by waiver or suspension, to file a request for management evaluation of the decision in respect of her performance evaluation, the Tribunal does not have jurisdiction to deal with such matter. This is made clear in unambiguous language by the last sentence of art. 8.3 of the Tribunal's Statutes (quoted above), which provides that "[t]he Dispute Tribunal shall not suspend or waive the deadlines for management evaluation".

13. The Tribunal further provides the following brief consideration of the orders sought by the Applicant, which she formulated as follows:

- a. The UNDT set aside the Impugned Decision dated 27 June 2018;

