



Judgment No. 2016-UNAT-699



Counsel for Mr. Vukasovi ü Self-represented

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... The Applicant responded on 21 April 2016, stating that he never received a notification of any administrative decision for which he could formally file a complaint, and that “asking for management evaluation from the same persons that humiliated and discriminated [him] looks like a failure from the beginning”. He informed the [Dispute] Tribunal that he did not want to withdraw his application.

3. On 27 April 2016, the Dispute Tribunal issued a Summary Judgment in which it found the application non-receivable as Mr. Vukasović had not submitted a request for management evaluation of the non-selection decision.

4. The Dispute Tribunal noted that Mr. Vukasović had informed the Dispute Tribunal that he did not intend to submit a request for management evaluation of the non-selection decision. As a mandatory requirement for the application to be receivable was missing, the Dispute Tribunal found that it was not competent to consider it.

Submissions

Mr. Vukasović's Appeal

5. Mr. Vukasović requests that his e-mail correspondence with a UNHCR Regional Representative and UNHCR Regional Administrative Officer be considered as a request for management evaluation of the non-selection decision. In his e-mail correspondence, he raised numerous concerns and issues about his non-selection.

6. Mr. Vukasović

9. Mr. Vukasovi's e-mail correspondence with the UNHCR Regional Representative and UNHCR Regional Administrative Officer cannot be considered as a request for management

14. The Appellant's argument that there are no instructions in which form management evaluation should be requested has no merit. Staff members are presumed to know the Regulations and Rules applicable to them. It is the staff member's responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations. Ignorance cannot be invoked as an excuse.

15. Mr. Vukasović claims that he had exchanged several e-mails with UNHCR's Regional Representative and UNHCR's Regional Administrative Officer, which could be considered as a request for management evaluation of the said decision. This submission does not appear to have been put to the UNDT, where he admitted to not having requested such a management evaluation. Therefore, we do not permit the issue to be raised for the first time on appeal.⁵ In any event, it does not assist Mr. Vukasović since it falls well short of establishing that he has requested management evaluation.

16. We are satisfied that the Dispute Tribunal properly considered the facts and the applicable statutory law and jurisprudence in arriving at its decision that Mr. Vukasović's application was not receivable.

17. Having failed to demonstrate that the UNDT committed any error of law or fact, Mr. Vukasović's appeal must fail.

Judgment

18. The appeal is dismissed and Summary Judgment No. UNDT/2016/046 is affirmed.

⁴ *Amany v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-521, para. 18, citing *Kissila v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-470, para. 24, and cites therein.

⁵ See *Hasan v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2015-UNAT-541, para. 18.

THE UNITED NATIONS APPEALS