





an answer from the Secretary-General to her request for review, and if so, when; nor did she explain why her name was not on the list of staff members purported to have filed an incomplete statement of appeal on 26 May 2009.

9. On 16 October 2009, the Tribunal brought to the Applicant's attention that the above-mentioned information was still missing. She requested, and was granted, an extension of time to submit the missing information.

10. On 19 October 2009, the Applicant provided part of the requested information. She stated that she received the Secretary-General's answer, dated 5 April 2009<sup>1</sup>, on 19 April 2009. However, despite two previous requests from the Tribunal, she still did not provide explanations as to why her name was not on the list of staff members purported to have filed an incomplete statement of appeal.

11. On 23 October 2009, the Tribunal brought to the Applicant's attention that her appeal was time-barred and recommended that she withdraw her case by 30 October 2009, failing which the Judge would issue a summary judgment. The Applicant did not respond to the Tribunal.

#### Considerations

12. According to article 9 of the rules of procedure, the Tribunal may determine, on its own initiative, that summary judgment is appropriate. This usually would happen when there is no dispute as to the material facts of the case and judgment is restricted to a matter of law. The question of receivability *ratione temporis* in this case is such a matter of law.

13. Staff rule 111.2(a)(i), which was applicable at the time the Applicant filed an appeal with the JAB, provided that:

- (a) A staff member wishing to appeal an administrative decision pursuant to staff regulation 11.1 shall, as a first step, address a letter to the Secretary-General requesting that the administrative decision be reviewed; such letter must be sent within two months from the date the staff member received notification of the decision in writing.

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<sup>1</sup> In fact, the Secretary-General's answer to the Applicant's request for review is dated 15 April 2009.

(i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer within one month of the receipt of such