
Case No.: UNDT/GVA/2012/059

Judgment No.: UNDT/2013/014

Date: 4 February 2013

English



Introduction

1. By his application filed on 16 July 2012 with the Registry of the United Nations Dispute Tribunal, the Applicant requests:
 - a. Rescission of the decision of the United Nations High Commissioner for Refugees (“the High Commissioner”) not to promote her to the D-1 level during the 2009 promotion exercise;
 - b. To be compensated for material and moral damage suffered.

Facts

2. The Applicant joined the Office of the United Nations High Commissioner

Translated from French

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e. For the 2009 annual promotions session, the APPB systematically took into consideration the periods during which a candidate encumbered a post at a higher level than his/her own provided that the incumbency period lasted a year or longer. Records indicate that the Applicant encumbered a post at a higher grade than hers only for a period of three and half months in 2008;

f.

notification of the administrative decision to be contested. This deadline may be extended by the Secretary-General pending efforts for informal resolution conducted by the Office of the Ombudsman, under conditions specified by the Secretary-General.

...

21. It is not contested that on 29 July 2011, the Applicant received notification of the final decision not to promote her to the D-1 level. While the various

should be recalled that the 60-day time limit granted to staff members to submit a request for management evaluation is long enough to deal with and allow for the resolution of technical problems related to e-mail transmissions, such as those that occurred in this case.

26. The Tribunal, therefore, can only note the late submission of the request for management evaluation and declare the application irreceivable without the need to hear witnesses and to hold an oral hearing.

Conclusion

27. In view of the foregoing, the Tribunal DECIDES:

The Application is rejected.

(Signed)

Judge Jean-François Cousin

Dated this 4th day of February 2013

Entered in the Register on this 4th day of February 2013

(Signed)

René M. Vargas M., Registrar, Geneva