



## **Introduction**

1. The Applicant is contesting the Administration's decision not to disclose to her the results of an investigation into alleged threatening messages left on her voicemail.

## **Facts**

2. On 5 May 2013, the Applicant requested management evaluation of the decision "not to share hard copy and details of an investigation report on threatening phone messages left on [her] Office Vice [sic] mail". Following the receipt of further communications from the Applicant, the Management Evaluation Unit ("MEU") informed her that the 30-day period for evaluating the administrative decision will begin to run from the date they received her completed request, i.e., 7 May 2013. Accordingly the relevant response period expired on 6 June 2013 because the MEU did not respond to her request for management evaluation within period of 30 days as required.

3. On 26 June 2013, the MEU informed the Applicant that upon reviewing her request for management evaluation they had determined that her request was not receivable because it was time-barred.

4. On 23 and 24 September 2013, the Applicant contacted the Dispute Tribunal via email informing it that she was experiencing technical problems in filing her application via the Tribunal's electronic filing system and enquired as to whether the Tribunal could extend the applicable time limits or would accept her application if it was submitted via email.

5. On 24 September 2013, the Tribunal informed the Applicant that its technical support service was available to assist her in resolving any technical difficulties she was experiencing in completing her filings. That same day the technical support

service provided the Applicant with assistance regarding the technical difficulties she was experiencing.

6. On 25 September 2013, the Applicant requested a ten day extension of time to file an application due to the technical problems she was encountering in filling her application within the Tribunal's electronic case management system ("CCMS"). That same day, the Tribunal's technical support service contacted the Applicant and

## **Consideration**

### *Applicable law*

11. Article 8 of the Statute of the Dispute Tribunal provides that:
  1. An application shall be receivable if:
    - (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 decision to management evaluation for disputes arising at Headquarters and 45 calendar days for other offices;
12. In accordance with art. 7 of the Rules of Procedure of the Dispute Tribunal an application shall be receivable if:

### **Article 7 Time limits for filing applications**

1. Applications shall be submitted to the Dispute Tribunal through the Registrar within:

- (a) 90 calendar days of the receipt by the applicant [(I)12.3882(n)-0.956417( )-30
- (b) 90

*Application to the Tribunal*

13. Article 8.1(d)(i) of the Tribunal's Statute provides that, in cases in which a request for management evaluation is necessary, a staff member is required to file his or her application with the Tribunal within 90 calendar days from the expiry of the relevant response period for the management evaluation if no response to the request was provided.

14. Although the Applicant has previously filed claims, and may be deemed to be aware of applicable time limits, the Tribunal has decided to set out fully the relevant legal provisions at paragraph 11 so that the Applicant will understand the legal requirements which preclude the Tribunal from considering the substantive merits of her application in this case.

15. Taking into consideration that the MEU received the Applicant's request for management evaluation on 7 May 2013, the Applicant was required to file her application with the Tribunal within 90 calendar days from 6 June 2013, the date when a response to her request for management evaluation was due. More specifically, the Applicant was required to file her appeal by 4 September 2013. The fact that the MEU sent a response to her request for management evaluation on 26 June 2013, after the 30 days time limit under ar

**Conclusion**

18. The application is not receivable and is dismissed.

*(Signed)*

Judge Meeran Goolam

Dated this 11<sup>th</sup> day of October 2013

Entered in the Register on this 11<sup>th</sup> day of October 2013

*(Signed)*

Hafida Lahiouel, Registrar, New York