



the completion of a disciplinary process is not required to request a management evaluation.

(c) A request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within sixty calendar days from the date on which the staff member received 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.

(d) The Secretary-General's response, reflecting the outcome of the management evaluation, shall be communicated in writing to the staff member within 30 calendar days of receipt of the request for management evaluation if the staff member is stationed in New York, and within 45 calendar days of receipt of the request for management evaluation if the staff member is stationed outside of New York. The deadline may be extended by the Secretary-General pending efforts for informal resolution by the Office of the Ombudsman, under conditions specified by the Secretary-General.

11. Staff rule 11.4(a) (United Nations Dispute Tribunal) states:

(a) A staff member may file an application against a contested administrative decision, whether or not it has been amended by any management evaluation, with the United Nations Dispute Tribunal within ninety calendar days from the date on which the staff member received the outcome of the management evaluation or from the date of expiration of the deadline specified under staff rule 11.2(d), whichever is earlier.

Consideration

12. Pursuant to art. 8.1(c) of the Statute of the Dispute Tribunal, as read with staff rule 11.2(a), an applicant must, as a mandatory first step (other than in cases that fall under staff rule 11.2(b)), request management evaluation of the contested decision before filing an application with the Tribunal. It is thus trite law that where an applicant has failed to request management evaluation, the Tribunal has no jurisdiction to consider his or her application. See, for example, *Planas* 2010-UNAT-049; *Kovacevic*

2010-UNAT-071; *Ajdini et al.* 2011-UNAT-108; *Gehr* 2013-UNAT-293; and *Servas* 2013-UNAT-349.

13. The requirement for management evaluation assures that there is an opportunity to speedily resolve a staff member's complaint or dispute without the need for judicial intervention, within the time limit specified by the Statute and the Staff Rules (*Kouadio* 2015-UNAT-558).

14. The Applicant explains that he has not requested management evaluation as he hopes to resolve the matter informally. Whilst the Tribunal encourages informal resolution of disputes in order to save costs of litigation and to maintain and promote harmony in the work place, if an applicant wishes to utilise the formal system of administration of justice, he or she must comply with the statutory provisions requiring management evaluation within the required timeframe. In view of the language of art. 8.3 of the Statute and staff rule 11.2, as well as the jurisprudence of the United Nations Appeals Tribunal (see, e.g., *Costa* 2010-UNAT-036; *Eng* 2015-UNAT-520), the applicable deadlines may be extended only by the Secretary-General pending efforts for informal resolution conducted by the O

Conclusion

17. The application is dismissed.

(Signed)

Judge Ebrahim-Carstens

Dated this 23rd day of December 2015

Entered in the Register on this 23rd day of December 2015

(Signed)

Hafida Lahiouel, Registrar, New York