
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2016/032

Judgment No.: UNDT/2016/061

Date: 19 May 2016

English

Original: French

Before: Judge Thomas Laker

Registry: Geneva

Registrar: René M. Vargas M.

PALACO CABALLERO

v.

SECRETARY-GENERAL

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6. The Applicant filed the present application on 11 May 2016, stressing that she had not requested a management evaluation.

Applicant's main contentions

7. The absence of formal administrative action on the part of the Registrar of the ICTY has deprived her of her right to contest the decision by way of management evaluation; her placement on special leave without pay is unlawful because of the lack of administrative action. She is seeking €10,000 in compensation.

Consideration

8. First, the Tribunal must consider whether the complaint is admissible; hence, in the first place it must establish whether the contested decision was the subject of a request for management evaluation as provided for in the texts below.

9. Indeed, art. 8 of the Statute of the United Nations Dispute Tribunal stipulates:

1. An application shall be receivable if:

...

(c) An applicant has previously submitted the contested administrative decision for management evaluation, where required;

10. Furthermore, rules 11.2(a) and (c) of the Staff Rules, relating to management evaluation, state that:

(a) A staff member wishing to formally contest an administrative decision ... shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.

...

(c) A request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 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.

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