
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/037

Judgment No.: UNDT/2018/041

Date: 21 March 2018

Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NWOGU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
UNDP

Introduction

1. The Applicant is a staff member of the United Nations Development Programme.
2. On 19 March 2018, she filed an application contesting the decision to abolish her P-4 Gender Specialist post and the recruitment of a P-5 Gender Advisor. The Applicant states that she does not know when the contested decision was taken and that she became aware of it on 16 January 2018.
3. The Applicant filed a management evaluation request of the contested decision on 13 March 2018 and had not yet received a response at the time of filing this application.

Considerations

4. The sole legal issue arising for consideration at present is whether this application is receivable in view of the fact that the Applicant's management evaluation request is pending.
5. Article 8.4 of the UNDT Rules of Procedure requires the Registrar to transmit a copy of the application to the respondent and to any other party a judge considers appropriate after ascertaining that the application complies with arts. 8.1 to 8.3 of the Rules of Procedure. However, the Tribunal may consider matters of receivability on a priority basis without first transmitting a copy of the application to the Respondent or awaiting the Respondent's reply before taking action to consider the claim.¹
6. Article 8.1(c) of the UNDT Statute stipulates that the jurisdiction of the Statute

debated question is negative, and that the application which had been filed without awaiting the result of management evaluation (or expiry of the time limit for it) remains not receivable also after the management evaluation has been issued. Such situation, for an applicant who wishes to pursue his or her claim before the Dispute Tribunal, calls for a new filing made in accordance with the applicable time limits.⁴

11. This application is premature. The Tribunal makes no comment on the merits or otherwise of the substantive complaint which will be adjudicated on its merits if, or when, a receivable claim is made

Judgment

12. The application is dismissed as it is not receivable.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 21st day of March 2018

Entered in the Register on this 21st day of March 2018

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

⁴ *Steinbach* UNDT/2018/034 para. 47, citing to, among others, *Kouadio*