

Case No.: UNDT/GVA/2018/075
Judgment No.: UNDT/2018/080
Date: 14 August 2018

1. By application filed on 6 August 2018, registered under Case No. UNDT/GVA/2018/075, the Applicant contests her non-inclusion in the Talent Group List for Protection Officers of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), and alleges not having been fairly considered for work applications she had made to UNHCR.

2. From 1 January to 30 June 2016, the Applicant worked as a Field Officer, UNHCR, in Slovenia under an Individual Contractor Agreement issued by the United Nations Office for Project Services (“UNOPS”).

3. As per the Applicant, before and during her above-mentioned employment she applied to UNHCR’s Entry-Level Humanitarian Programme (“EHP”) for Protection Officers.

4. By email of 9 May 2018, the Applicant was advised that her application for UNHCR’s Talent Pool, Profile Protection Officer, had been unsuccessful.

5. As established by the United Nations Appeals Tribunal, the Dispute Tribunal is competent to review *ex officio* its own competence or jurisdiction *ratione personae*, *ratione materiae*, and *ratione temporis* (*Pellet* 2010-UNAT-073; *O’Neill* 2011-UNAT-182; *Gehr* 2013-UNAT-313; *Christensen* 2013-UNAT-335)

6. With respect to *ratione personae*, the Tribunal recalls that art. 3.1 of its Statute provides that an application before it may be filed by:

a. “Any staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes”; or

b. “Any former staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes”; or

c. “Any person making claims in the name of an incapacitated or deceased staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes”.

7. The Applicant does not fall under any of the above categories of potential applicants and, therefore, has no legal standing before the Tribunal. Indeed, individual contractors are not staff members. It follows that the application is not receivable *ratione personae*.

8. The Tribunal’s competence is a matter of law, which may be adjudicated even without serving the application on the Respondent for a reply and even if not raised by the parties (see *Chiswick v. UN* (2017) UNDT/2017/017).

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Entered in the Register on this 14th day of August 2018

(Signed)

René M. Vargas M., Registrar, Geneva