
RIBUNAL

that is alleged to be in non-compliance with the terms of appointment or the contract of employment.

9. Article 8.1(c) of the UNDT Statute provides that an application shall be receivable if an applicant has previously submitted the contested administrative decision for management evaluation, where required.

10. It is the Applicant's submission that there is no material difference between the administrative decision that she is challenging - that is, the Respondent's decision to dismiss her claim on abuse of authority and harassment – and the Respondent's decision to dismiss her request for management evaluation of the same impugned decision. In other words, the distinction which the Respondent seeks to draw to have her claim dismissed on grounds of receivability is one of semantics. Considering that the Applicant is self-represented, the Tribunal is obliged to adequately interpret and comprehend the application with a view to identifying what is in fact being contested.¹

11. The Tribunal notes that though the application against the MEU's decision to dismiss a request for management evaluation and claim of abuse of authority and harassment² is different from the decision of the OIAI to dismiss a claim on abuse of authority and not to conduct an investigation,³ the decision which is being contested before the Tribunal is principally the same as the one which was contested at the ME level, with only a few editorial differences.

12. The application is receivable.

¹ *Massabni* 2012-UNAT-238.

² Application, para. 14.

³ *Ibid.* annex 8.

(Signed)

Judge Margaret Tibulya

Dated this 15th day of November 2019

Entered in the Register on this 15th day of November 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi