



THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2010-UNAT-074

5. Trajanovska acted promptly to air her grievance but did not go to the right quarters. On 9 April 2009, she submitted her complaint to the Personnel Officer of the Civilian Personnel Section of UNMIK requesting that an investigation be conducted, and the implementation of the decision be suspended “until the propriety of UNMIK Liaison Office comparative review process and [her] case can be determined.”

6. On 20 May 2009, Trajanovska submitted a similar complaint to the newly appointed Director of Mission Support, UNMIK, challenging the termination of her appointment and requesting an investigation and review of the comparative review procedure.

7. According to Trajanovska, she contacted the United Nations Ombudsman on 6 June 2009. She finally sought management evaluation on 15 July 2009. Through a letter dated 17 July 2009, she was informed by the Acting Chief, Management Evaluation Unit (MEU), that her request was not receivable as it was not made within 60 days from the date of notification of the decision as required by provisional Staff Rule 11.2(c).

8. Trajanovska appealed to the UNDT on 25 September 2009, submitting an incomplete application. A complete application was filed on 28 September 2009 and a new application was submitted to the UNDT Registry in Geneva on 16 October 2009. Trajanovska acknowledged in her application that her request for review of the administrative decision by the MEU was time-barred but blamed the UNMIK management for failing to guide her as to the appropriate procedures. She requested that the UNDT declare her application receivable.

9. In Judgment No. UNDT/2010/032, dated 24 February 2010, the UNDT held that Trajanovska’s application was non-receivable *ratione temporis*. Although the UNDT had the power under Article 8(3) of the UNDT Statute to waive the time limits under the former Staff Rules during the transition to the new system of internal justice, her case did not have any “exceptional circumstances”, for the purposes of former Staff Rule 11.2(f), which justified a waiver of the time limit. Trajanovska was expected to be aware of the time limits under the former Staff Rules, and the transition to the new system of internal justice did not constitute exceptional circumstances in her case as the time limit for making a request for administrative review expired under the former system. The UNDT also held that Trajanovska’s failure to make a timely request for administrative review could not be cured by her subsequent timely filing of an application before the UNDT.

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25. This appeal is dismissed and the Judgment of Dispute Tribunal is affirmed.

Dated this 27th day of October 2010 in New York, United States.

Original and authoritative version: English

(Signed)

Judge Garewal, Presiding

(Signed)

Judge Courtial

(Signed)

Judge Boyko

Entered in the Register on this 29th day of December 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar