JUDGE KAMALJIT SINGH GAREWAL, Presiding.

## Synopsis

1. Ms. Anne-Marie Bernadel, while holding a G-7 post, requested a Special Post AT4w9he25 -12e25 t

20. The Secretary-General maintains that the UNDT correctly concluded that Ms. Bernadel’s application was time-barred because she did not file her request for administrative review within two months after she had received notification of the final decision.

21. The Secretary-General avers that Ms. Bernadel’s arguments that she was not informed of her right to appeal, that all negotiations had to be exhausted before resorting to the legal route, or that seeking a negotiated solution constitutes exceptional circumstances, are legally unsustainable.

22. Ms. Bernadel failed to pursue the procedures available to staff members for the protection of her rights within the stipulated t. d10.98765 her ri7309d4559it

25. However, in this case the situation is different because the impugned administrative decision denying Ms. Bernadel's SPA request for 1997 and 1998 was contained in a written communication dated 3 August 2001. The Chief of Administration of OHCHR had asked the Director of the New York Office to share her letter with Ms. Bernadel. Sometime between 3 August 2001 and 15 April 2002, the Director of the New York Office called Ms. Bernadel to his office and shared a copy of the 3 August 2001 letter with her. As a matter of fact, Ms. Bernadel acknowledged receipt of that letter in her communication dated 15 April 2002.

26. Therefore, Ms. Bernadel received notification of the decision in writing at the latest by 15 April 2002. The two-month period for administrative review began on 15 April 2002 and certainly not when Ms. Bernadel received the High Commissioner's letter of 30 March 2005.

27. We do not find any reason to disagree with the UNDT Judgment. The request for administrative review was clearly time-barred. The UNDT Judgment does not contain any jurisdictional, factual or procedural defects.

## Judgment

28. The UNDT Judgment is affirmed and this appeal is dismissed.

Original and authoritative version: English

Done this 21st day of October 2011 in New York, United States.

| | | |
|---|---|---|
| (*Signed*) | (*Signed*) | (*Signed*) |
| Judge Garewal, Presiding | Judge Adinyira | Judge Painter |

Entered in the Register on this 2nd day of December 2011 in New York, United States.

(*Signed*)

Weicheng Lin, Registrar