
Case No.: UNDT/NY/2010/034/
UNAT/1679

Judgment No.:

Case No.

[W]hile the staff member has met with satisfaction Goal 1 in respect of the required actions for the Officer-in-Charge of the Service, in respect of the tasks assigned by the Assistant of the Director, PPBD [Programme Planning and Budget Division], an additional Supervisor, the need to improve performance has been noted.

...

While satisfied with her performance of Goal 1 of the Work Plan, I was aware of performance shortcomings otherwise and reviewed the situation with the additional supervising officer ... and the Director, PPBD on 22 November 2006. The results of this discussion were communicated to the staff member in a meeting with me and [Special Assistant to the Director, PPBD] ... on 29 November 2006.

6. As the Applicant left OPPBA prior to the completion of the annual performance review cycle, OPPBA continued with the finalisation of her e-PAS report after her departure. On 4 April 2007 the Applicant's additional supervisor (Special Assistant to the Director, PPBD) added her final comments to the Applicant's e-PAS report, expressing her dissatisfaction with the Applicant's performance and stating that "[t]here had been problems with the accuracy of data entered by [the Applicant] in the databaser

The JAB unanimously concluded that the appeal was not receivable as it was time-barred and therefore unanimously recommended that no action be taken as to the present appeal.

The Secretary-General has examined your case in the light of the JAB's report and all the circumstances of the case. The Secretary-General agrees with the conclusions of the JAB and has decided not to take any further action in this matter.

11. On 17 March 2009 the former UN Administrative Tribunal received the Applicant's appeal against the decision not to renew her appointment. The Respondent's reply was received on 18 September 2009. On 7 January 2010 the

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2006, was reasonably favourable and did not indicate any performance issues capable of resulting in non-renewal of her contract.

Respondent's submissions

14. The Respondent submits that the application is not receivable as the Applicant failed to comply with the time limits stipulated in former staff rule 111.2(a). The Applicant was informed of the contested decision on 6 December 2006 and had until 6 February 2007 to request a review of the administrative decision. The review was requested only on 25 June 2007. No exceptional circumstances were presented by the Applicant to justify the delay.

15. The Applicant's allegation that she was not aware of the issues with her performance until 23 May 2007 is without merit, since, as the JAB correctly stated in

Conclusion

23. The Applicant failed to file a timeous request for administrative review. This application is therefore not receivable and is rejected in its entirety.

(Signed)

Judge Ebrahim-Carstens

Dated this 19th day of November 2010