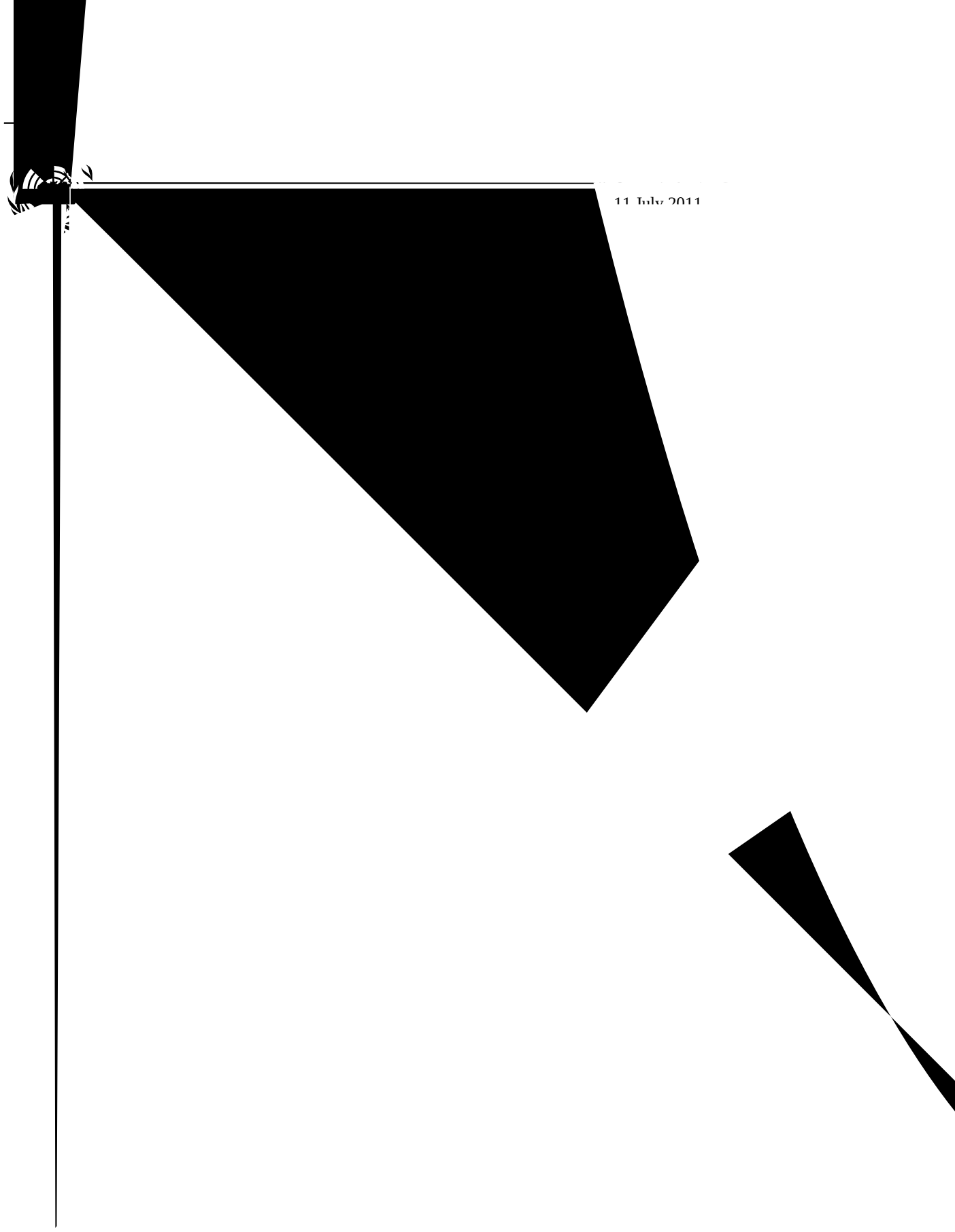

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12. On 13 July 2006, the Applicant was informed that another review of his case had been carried out with the involvement of the Special Adviser to the Secretary-General on the Establishment of the Ethics Office. However, the Ethics. Office remained of the same view.

13. In an email dated 14 July 2006, the Applicant reiterated his disagreement and again requested a copy of document A/58/708, which was subsequently sent to him.

14. On 21 July 2006, the Applicant again requested revision of the Office's decision.

15. On 9 August 2006, the Special Adviser to the Secretary-General on the Establishment of the Ethics Office replied that although the Applicant might feel that his rights had been violated, his case did not lie within the purview of the thhnv.7D1ughhhe i wih(on)-5.u(o)0(prejat)6.u4(d)-5..8(hr t)hi4(ri)6.4(gh)-16(hat)6.4to t(e)7.p v.

20. By Order No. 99 (GVA/2011) of 10 June 2011, the Tribunal requested the parties to provide additional input on the receivability *ratione temporis* of the application under review, which the Applicant and the Respondent did on 16 and 23 June 2011, respectively. On 25 June, the Applicant requested permission to submit observations on the Respondent's comments of 23 June. By Order No. 109 (GVA/2011), the Tribunal authorized him to do so. The Applicant submitted his observations on 5 July 2011.

Parties' contentions

21. The Applicant's contentions are:

a. With regard to the receivability of the application, the Tribunal stated in *Hunt-Matthes* UNDT/2011/063 that a decision of the Ethics Office was an administrative decision for the purposes of article 2.1(a) of the UNDT Statute and that accordingly, the application contesting the Office's decision on a complaint by a staff member was receivable;

b. The Applicant's request for review is not time-barred since the contested decision was taken on 9 August 2006 and he submitted his request to the Administrative Law Unit on 4 September 2006, less than two months later. Only in his second reply did the Respondent maintain that the application was inadmissible because it was time-barred, whereas there was nothing to prevent him from doing so sooner;

c. The Ethics Office abused its discretionary authority. The Organization's discretionary authority is not unlimited and cannot be invoked to violate United Nations rules;

d. In issuing the contested decision, the Ethics Office committed numerous flaws that undermined the whole review procedure: it did not give the reasoning for its decision or identify the legal foundation thereof, and it relied on an Office of Internal Oversight Services report that had no legal standing. The consideration of his case by the Ethics Office lacked

> A staff member wishing to appeal an administrative decision … shall, as a first step, address a letter to the Secretary-General requesting that the administrative decision be reviewed; such letter must be sent within two months from the date the staff member received notification of the decision in writing …

24. Furthermore, former staff rule 111.2(f) provided that "[a]n appeal shall not be receivable unless the time limits specified … have been met … ".

25. It is clear from these provisions that the present application would only be admissible if the Applicant had submitted a request for review within two months of notification of the contested decision.

26. The facts as stated above indicate that, on 23 May 2006, the Applicant submitted a complaint to the Chief of the Ethics Office concerning acts that, in his view, constituted retaliation and that on 30 June 2006, the Ethics Office replied that the acts that he had reported did not show any retaliatory action. On the same

(*Signed*)