
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/058

Judgment No.: UNDT/2020/019

Date: 4 February 2020

Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: New York

Registrar: Nerea Suero Fontecha

DUFRESNE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALD/OHR

Introduction

1. On 19 February 2018, the Applicant, a Principal Rule of Law Officer with the United Nations Assistance Mission in Somalia, filed the application in which she detailed the contested decision in two parts.

2. The Applicant contests firstly, that the Management Evaluation Unit deemed her request for management eval

her request. 9/F2 12 Tf1 0d-JE10 612 792 reW*nQ8tpcon

Dear [staff member with Payroll and the other staff member (names redacted)]

Above-named staff member [namely, the Applicant] exercised [SLWOP] for one year during the period 17 May 2016 through 16 May 2017. The staff member had opted to make the SLWOP period contributory service for pension purposes, and had indeed commenced payments through 30 September 2016. My understanding is that staff member did not make any further payments from October 2016 through end of the SLWOP period, 16 May 2017. Staff member is requesting if she can be exceptionally authorized to pay back post-

approved, she would then liaise with UNHQ Payroll on how to make the payments. We await your review and response.

14. By email of the same date (28 July 2017), the Payroll staff member wrote the Acting Chief of Payroll

Dear [Acting Chief of Payroll (name redacted)],
[The Applicant]

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28. As for the definition of the contested administrative decision, it is well established by the Appeals Tribunal applicant to establish that the administrative decision in issue was in non-compliance with the terms of his or her appointment or contract of employment. Such a burden

37.

July 2017 when he, *inter alia* this is not an issue that we in Payroll have discretion in order to make a decision favorable to the staff member s request or not . He further explained that UNJ

44. Under *Staedler*, the time therefore started
which was, at the very latest, at 31 July 2017, when the
Acting Chief of
Resources Officer.
45. Accordingly, the contested administrative decision is defined as

submitted on 20 December 2017, it was evidently not filed within the required 60-day time limit.

49. Consequently, the management evaluation request was not receivable because the Applicant did not file a timely request for management evaluation of the contested decision.

Conclusion

50. The application is not receivable.

(Signed)

Judge Eleanor Donaldson-Honey ~~2020~~

Dated this 4th day of February 2020