
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/005

Judgment No.: UNDT/2022/136

Date: 27 December 2022

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar:

Introduction

1.

exceptional and compelling justifications warranting special consideration. The decision took into account the fact that the Applicant undertook separation travel within the two-year limit and that his spouse could have also travelled with him at that time as her passport had more than six months of validity at that point and she would have been eligible to exercise the entitlement.

7. On 28 September 2021, the Applicant filed a request for a management evaluation of the decision of the ASG/OHR.

8. On 29 October 2021 [redacted] recommended upholding the decision not to grant [redacted] request for an extension of repatriation travel benefits for his spouse.

9. On 29 January 2022, the Applicant filed the present application.

Consideration

Receivability

10. Staff rule 11.4(a) provides that a staff member may file an application against a contested administrative decision, whether or not it has been amended by any management evaluation, with the Dispute Tribunal within 90 calendar days from the date on which the staff member received the outcome of the management evaluation.

11. Article [redacted] further provides that in

Case No. UNDT/NY/2022/005

Judgment No. UNDT/2022/

2016-UNAT-689). In the present case, the Tribunal notes that the Applicant did not make a prior written request to suspend or waive the time limit to file the application under art. 8(3) of the Dispute Tribunal Statute.

18. The record is clear that the application was filed only on 29 January 2022, therefore after 90 days from the date the Applicant was notified of the contested decision.

19. Time limits for formal contestations are to be strictly enforced. The Appeals Tribunal has held that a day late is by no means *de minimis* (*Ruger*, 2016-UNAT-693). The Dispute Tribunal has no discretion to waive the applicable deadlines in this case.

20. The application is therefore not receivable *ratione temporis* as time-barred.

21. Accordingly, the Dispute Tribunal is not competent to hear the application.

