

Counsel for Appellant



JUDGE KANWALDEEP SANDHU, PRESIDING.

- 1. On 27 April 2019, the Appellant requested management evaluation of her unsuccessful application for the post of Chief Security Officer (JO 106382) at the P-5 level (the "job opening") with the United Nations Assistance Mission for Iraq ("UNAMI"). By Judgment No. UNDT/2020/071, the United Nations Dispute Tribunal (the "Dispute Tribunal" or "UNDT") held her request for management evaluation was time-barred as it was filed beyond the 60-day deadline set out in Rule 11.2(c) of the Staff Regulations and Rules of the United Nations ("Staff Rules").¹ The Dispute Tribunal dismissed the application as not receivable. The Appellant appeals and says the Dispute Tribunal erred in finding that her request for management evaluation was time-barred.
- 2. For reasons set out below, we

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decision. In addition, the job opening continued to be listed on Insp

20. Second, the e-mail communication of 21 February 2019 to the Appellant satisfies the notification requirement of Staff Rule 11.2(c). The Appeals Tribunal has held that this rule applies to both explicit and implied administrative decisions.³ With the latter, the Dispute Tribunal must determine the date on which the staff member knew or reasonably should have known of the decision he or she contests based on objective elements that both parties can accurately determine.⁴

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21. In the present case, there are several objective elements relating to the communications of 21 February 2019 that can be accurately determined and that show the Appellant knew or can be reasonably deemed to have known of her non-selection. The notification was made directly to the Appellant from the highest ranking official in her department (the

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31. We find the Appellant knew or shou

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34. We affirm Judgment No. UNDT/2020/071 and dismiss the appeal.

Original and Authoritative Version: