
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/2011/027

Judgment No.: UNDT/2012/051

Date: 17 April 2012

Original: English

Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Jean-Pelé Fomété

BELHACHMI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the

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accordance with the procedures laid down in the terms of reference of the Mediation Division.

3. The Dispute Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases. The Dispute Tribunal shall not suspend or waive the deadlines for management evaluation.
4. Notwithstanding paragraph 3 of the present article, an application shall not be receivable if it is filed more than three years after the

30. The Respondent contends that the Applicant received the contested administrative decision on 5 November 2007; the Applicant argues that it was not until 1 February 2008 that she received it, notwithstanding the earlier discussions with the DSRSG and her admission that as early as 13 September 2007, she was informed that her contract was not to be renewed.

31.

sick leave and the supposed delivery of the letter of 5 November 2007; however, it is due to the 1 February 2008 email that she was surprised to receive the documents attached thereto, and absent any evidence from the Respondent to prove that the Applicant did indeed receive the documents earlier, this Tribunal is prepared to accept the Applicant's claim. It nonetheless seems odd that the Applicant, who corresponded on the subject of her non-renewal in November 2011, was really completely blind to the reality of the situation.

32. Such issues notwithstanding, if the Tribunal accepts that the formal notification of non-renewal beyond 20 November 2007 was received by the Applicant on 1 February 2008, and since her first contact with the Dispute Tribunal was not until 31 May 2011, it would appear that the Application falls foul of Article 8.4 of the Statute of the Tribunal, which prohibits the Tribunal from receiving any claim filed more than three years after

This rule does not allow for any discretion, and must be applied strictly. When a claim is filed three years or more after

