

the Chief position of the Human Resource Management Service should be upgraded to a D-1; both UNOG and UNOV have D-1 Chiefs of HR, and the diversity of work, the difficulty of recruiting and retaining staff in this duty station, and diversity of appointment types and location, in addition to the volume of work, justifies a D-1 level position.

8. The UNO

Applicant's submissions

22. The Respondent erred in concluding that the memorandum dated 27 February 2014 constituted a fresh administrative decision.

23. On 6 February 2014, the Applicant filed a management evaluation request. The basis of this request was the decision not to consider a demand by the Applicant, made on 5 November 2013, to retroactively promote him to the position of D-1, Chief of Human Resources Management Service.

24. On 27 February 2014, 20 days after filing the MER and almost four months after the initial request had been made, the Administration took it upon its self to reply to the Applicant, expressly refusing his initial request.

25. The Applicant initially sought a management evaluation for the refusal not to consider his request for retroactive promotion made on 5 November 2013. The actual rejection of the ApplicantQ.[(n)9 /F1 11.28 Tf 0 0 0 rg 0.9981 0 0 1 119.04 423.36 Tm [(a)1(

29. No additional management evaluation request is necessary as this would be a waste of time and resources for both the Applicant and the Administration.

30. This position is confirmed in the UNDT case of *Terragnolo* 2014/UNDT/005, where the Tribunal concluded that:

While [the Applicant] had received no response before he submitted his request for management evaluation, he subsequently received a response to his email of 7 May 2013 on 30 May 2013, which did not address his concern. The Tribunal finds that the Applicant could not rely on the Tribunal's finding that the

under staff rule 11.2(a). This is notwithstanding the fact that in his management evaluation request of 6 February 2014, the Applicant had asked the Administration to consider his application for retroactive promotion to 1 January 2012.

36. The Tribunal has carefully considered the parties' pleadings including the authorities cited by the Applicant and finds that the Respondent's submissions on receivability have no merit and are logically incoherent. The Tribunal does not consider it a mere coincidence that the ASG/OHRM delayed her response to the Applicant from 5 November 2013 to 27 February 2014. The ASG/OHRM's response came only 21 days after the Applicant's request for a management evaluation. Were it not for the request.

