United Nations Dispute Tribunal	Case No.:	UNDT/GVA/2014/0
	!"#g\$e‰ No.:	UNDT/201 '/01
	Dalle:	18 (e)*"a*+ 201'
	O*,g,%a-:	E%g-,s.

Introduction

1. ! a""#\$%at\$on f\$#ed on 10 No&em'e(2014) and) u"on t*e +eg\$st(!,s

A. /n 5e"tem'e(201.) an 5PA Pane# 6as %on&ened. T*e +

- 1.. 8n 10 De%em'e(2014) t*e +es"ondent f\$#ed a mot\$on fo(#ea&e to f\$#e a (e"#! \$m\$ted to (e%e\$&a'\$#\$t!) and to *a&e t*e \$ssue of (e%e\$&a'\$#\$t! dete(m\$ned as a "(e#\$m\$na(! matte(.
- 14. ! 8 (de(No. 192 1GVA/20144 of 11 De%em'e(2014) t*e T(\$'una# offe(ed t*e A""#\$%ant t*e "oss\$'\$#\$t! to f\$#e a (es"onse on t*e +es"ondent,s mot\$on) 6*\$%* s*e d\$d on 15 De%em'e(2014.
- 15. Pu(suant to 8 (de(No. 19. 1GVA/20144 of 17 De%em'e(2014) t*e +es"ondent f\$#ed a (e"#! #\$m\$ted to (e%e\$&a'\$#\$t! on .1 De%em'e(2014.
- 1A. ! 8(de(No. A 1GVA/20154 of 8 Janua(! 2015) t*e T(\$'una# o(de(ed t*at t*e "a(t\$es f\$#e (easoned o'De%t\$ons) \$f an!) to a Dudgment on (e%e\$&a'\$#\$t! 'e\$ng \$ssued on t*e "a"e(s. None of t*e "a(t\$es f\$#ed an! o'De%t\$ons t*e(eto.

Parties' submissions on receivability

- 17. T*e A""#\$%ant,s "(\$n%\$"a# %ontent\$ons a(e>
 - a. 5*e (e%e&ed t*e f(st 6()tten %ommun)at(om t*e C*)e=+5) e<"(ess(o")n)on on t*e matte(of t*e 5PA on 18 June 2014E
 - '. P(\$o(to t*at) t*e d\$s%uss\$on *ad 'een an on7go\$ng d\$a#ogue 'et6een *e(

18.

an admnst(ate deesson *as to 'e 'ased on o'Deete e#ements 6**%* 'ot* "a(te %an dete(me 6et* a%u(a%! 1Rosana 20127UNAT727.4 *en%e an! su'De%te %onsede(ate ons '! t*e A""#\$%ant a(e \$((e#e&antE t*e A""#\$%ant %on%eded F e a %ommun\$%ate on to t*e +egest(a() /CT0) of 4 No&em'e(2014 F t*at s*e (e%e&ed t*e de%sson of t*e 5PA to t*e G57A #e&e# e 8 %to'e(201.E

g. A staff mem'e(6*o de%\$des to (eso(t to negot\$at\$ons 6\$t* t*e 8(gan\$Gat\$on does not a 'so#&e *\$m o(*e(f(om t*e o

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Judgment No. UNDT/2015/017

to t*e +es"ondent) sa\$d de%\$s\$on 6as not\$f\$ed to t*e A""#\$%ant) mo(e "(e%\$se#!) on 14 8%to 'e(201.. T*\$s 6as not %ontested '! t*e A""#\$%ant.

25. C&en assum \n g t*at an! "(\n o(not \n f \n at \n on '! =+5 to t*e A""# \n ant 6as not

a f\$na# de%\$s\$on) t*e(e %an 'e no dou't t*at t*e de%\$s\$on '! t*e +eg\$st(a() /CT0) of

27 5e"tem'e(201.) not\$f\$ed to t*e A""#\$\ant on 14 8\sto'e(201.) 6as so.

A%%o(d\$ng#!) t*e A07da! dead#\$ne sta(ted to (un as f(om t*e date of sa\$d

not\$f\$%at\$on.

2A. T*e(efo(e) and n & e6 of t*e a'o&e7(efe(en%ed Du(s''(uden%e) an!)))

su'se-uent %ommun\%at\\$on f(om t*e C*\\$ef) =+5) 6as on#! a \%onf\\$(mat\\$e

de%\$s\$on 6*\$%* d\$d and %ou#d not (eset t*e statuto(! t\$me #\$m\$ts. /t fo##o6s t*at '!

f\$#\$ng t*e (e-uest fo(management e&a#uat\$on on#! on 2. June 2014) t*e "(esent

a""#\$%at\$on *as to 'e (eDe%ted) as \$((e%e\$&a'#e ratione materiae Isee Egglesfield

20147UNAT74024.

Conclusion

27. /n &6 of t*e fo(ego\$ng) t*e T(\$'una# DCC/DC5>

T*e a" "#\$%at\$on \$s (eDe%ted.

1Signed4

Judge T*omas IaBe(

Dated t*\s 18t* da! of :e'(ua(! 2015

Cnte(ed \(\)n t*e +eg\(\)ste(on t*\(\)s 18^{t*} da! of :e'(ua(! 2015

1Signed4

+enJ ; . Va(gas ; .) +eg\$st(a() Gene&a