

United Nations  Nations Unies

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REFERENCE: MEU/704-13/R [AS]

26 July 2013

CONFIDENTIAL

Dear Mr. Gallo,

This is in reference to your management evaluation request (“MER”) dated 25 July 2013, which was received by the Management Evaluation Unit (“MEU”) on 26 July 2013. In your MER, you wish to challenge the decision of the Ethics Office dated 23 July 2013 to reject your application for “Protection against Retaliation” submitted to the Ethics Office on 16 July 2013 under the provisions of ST/SGB/2005/21.

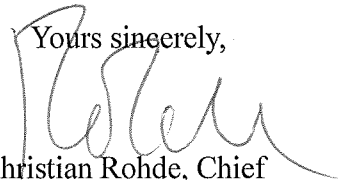
With regard to your request for management evaluation, we note that Staff Rule 11.2 (a) provides:

“A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.”

The Secretary-General has taken the position that he cannot be held liable for acts or omissions by the Ethics Office, an independent entity, in connection with the performance of its operational mandate, as such liability would be inconsistent with the independent status of such entity. Therefore, the recommendations or determinations made by such an independent entity do not constitute administrative decisions for the purposes of Staff Rule 11.2 (a). [See, Report of the Secretary-General, “Administration of Justice at the United Nations”, A/65/373, paras. 213-215 & 217.]

In light of the foregoing, the MEU concluded that it has no authority to evaluate the subject matter of your request and thus deemed your request for management evaluation not receivable.

Yours sincerely,



Christian Rohde, Chief
Management Evaluation Unit
Office of the Under-Secretary-General for
Management

Mr. Peter A. Gallo
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cc: Ms. C. L. Lapointe
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