



IN THE MATTER OF:

E.A., Applicant

v.

Chairperson of the African Union Commission, Respondent

FOR APPLICANT: *Pro se*

FOR RESPONDENT: Namira Negm, Legal Counsel, African Union Commission

BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

HEARD ON: 18 August 2020

JUDGMENT

Procedural History

1. On 15 October 2018, Applicant, a former Contracts Execution Officer with the Inter-African Bureau for Animal Resources (IBAR) filed an application contesting the decision to terminate his short-term appointment.
2. On 4 July 2012, the Director of IBAR notified Applicant that his appointment would be terminated effective 30 days after 6 July 2012.
3. Upon receiving the application on 15 October 2018, the Tribunal transmitted a copy of the same to Respondent on 8 November 2018, without requiring Respondent to file an Answer. The Tribunal did so because of manifest timeliness issues present in the application.
4. On 22 May 2019, Applicant supplemented his application with a brief addressing the issue of receivability, which the Tribunal carefully considered.

Discussion

5. Except for applications challenging a disciplinary action, requesting administrative review of the contested decision by the Chairperson or other appropriate authority is a mandatory first step.¹ The Tribunal cannot review a non-disciplinary administrative decision that has not been the subject of a prior administrative review under Staff rule 62.1.1.²
6. A staff member must seek such review within thirty days of the contested administrative decision.³ The reviewing official has thirty days to complete the review, failing which the request will be deemed constructively denied.⁴ The staff member then has additional thirty days to file an application with the Tribunal, reckoned thirty days after the filing

¹ Staff rules 62.1.1-1.2; *B.W.*, AUAT/2015/008.

² Staff rules 62.1.1-1.2; AUAT Statute art. 13(i); AUAT Procedure, rule 11.7.

³ *Id.*

⁴ *Id.*

of administrative review request or from the date of receipt of a decision on the administrative review request, whichever comes first.⁵ Staff members must strictly comply with these mandatory rules.⁶

7. Applicant was informed of the decision to terminate his appointment, the administrative decision he contests in this application, by a memorandum dated 4 July 2012. Accounting for time period needed to complete the mandatory administrative review under Staff rule 62.1.1, his application was due at the latest on or before 2 October 2012. Therefore, the application, received on 15 October 2018, is time-barred and not receivable.


Order

8. For the above reasons, the Tribunal DISMISSES the application.

Date: 14 September 2020

/signed/

SYLVESTER MAINGA, PRESIDENT
JAMILA B. SEDQI
PAULO D. COMOANE

Secretary: 

⁵ Staff rules 62.1.1–1.2; AUAT Statute art.13(iv).

⁶ *M.Z.L.*, AUAT/2018/001, para. 13.