



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1535

Koffi Gilles Wilfried Amani
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Abdelmohsen Sheha, Presiding Judge Nassib G. Ziadé Judge Graeme Colgan
Case No.:	2024-1914
Date of Decision:	21 March 2025
Date of Publication:	8 May 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-represented
Counsel for Respondent:	Agnieszka Martin

JUDGE ABDELMOHSEN SHEHA, PRESIDING.

1. Mr. Koffi Gilles Wilfried Amani, a former staff member with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), contested several decisions regarding:

(a) “Non-payment of Single Parent Allowance” (contested decision i);

(b) “Non-payment of Education Grant” (contested decision ii);

(c) “Low Level of Annual Leave Cash Commutation” (contested decision iii); and

(d) “Non-consideration of the COVID-19 Crisis Impact on the delayed separation process” (contested decision iv).¹

2. By Judgment No. UNDT/2024/005 (impugned Judgment), ² the United Nations Dispute Tribunal (UNDT) dismissed the application as not receivable.

3. Mr. Amani lodged an appeal with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT).

4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

5. Mr. Amani served as an Engineer with MINUSMA. He was separated from service effective 22 April 2020.³

6. On 10 June 2021, Mr. Amani received his Final Pay Statement.⁴ He received the final payment in the same month.

¹ Mr. Amani’s application also included a challenge to a deduction of “entitlements on Home Leave Travel” and the discontinuance of “medical plan benefits” and “Pension Fund benefits” during his placement on Administrative Leave Without Pay [ALWOP] from 28 October 2019 to 23 April 2020 but the dismissal of his application in respect of those decisions is not before us on appeal.

² *Amani v. Secretary-General of the United Nations*, Judgment dated 13 February 2024.

³ Impugned Judgment, para. 1.; appeal brief, para. 4; answer brief, para. 3; 6 December 2022 response to Mr. Amani’s request for management evaluation (MEU letter).

⁴ Impugned Judgment, para. 16; appeal brief, para. 4; answer brief, para. 4.

7. Mr. Amani subsequently raised to the MINUSMA office responsible for Human Resources (HRO) and the United Nations Regional Service Centre Entebbe (RSCE), Uganda, “concerns” that some elements of the final payment had not been paid in the correct amount: Single Parent Allowance, commutation of his accrued Annual Leave, Education Grant and “consideration” of the impact of the Covid-19 crisis.⁵

8. On 17 August 2021, HRO replied to Mr. Amani that its team and RSCE would review his request and revert, asking Mr. Amani to share with them any relevant details.⁶

9. After further communications, HRO confirmed with Mr. Amani on 9 September 2021 the issues they had discussed, and a number of steps that were agreed upon to go forward with his request.⁷

10. In response to his request for an update on the payment of the Education Grant, Mr. Amani received, on 18 January 2022, an e-mail from RSCE indicating that his request was still under review and that they were waiting for HRO to confirm the status of the child dependency.⁸

11. In response to another follow-up message from Mr. Amani about the Education Grant, RSCE advised him on 29 June 2022 that “the review of [his] supporting documents should primarily be done at Mission level” and that he should contact “colleagues at Mission HR for any further advice or clarification [he] may need in regard [to his] pending case”.⁹

12. On 25 October 2022, Mr. Amani submitted his management evaluation request (MER) of the contested decisions.¹⁰

13. On 6 December 2022, the Management Evaluation Unit responded to Mr. Amani that his MER was not receivable and noted the following:¹¹

(...) [A]s you were notified of your final separation pay in June 2021, the MEU considered that your request for a management evaluation regarding these matters is not receivable, due to the fact that it is time-barred (...). Notwithstanding (...), (...) the correspondence you provided indicates that the Administration has undertaken to review the matter of the

⁵ Mr. Amani’s 6 July 2021 and 17 August 2021 e-mails.

⁶ HRO 17 August 2021 e-mail.

⁷ HRO 9 September 2021 e-mail.

⁸ RSCE 18 January 2022 e-mail.

⁹ RSCE 29 June 2022 e-mail.

¹⁰ Impugned Judgment, para. 16; MEU letter, pp. 1-2.

¹¹ MEU letter.

unpaid single parent allowance covering the period 21.04.2017 to 28.10.2019 (i.e., contested decision (i)) and the discontinuance of the payment of EG [Education Grant] during your placement on ALWOP (i.e., contested decision (iv) in part). Given that a final response regarding these matters is still pending, the MEU considered that such matters are premature for management evaluation and, accordingly, not receivable at this time.

...

Finally, regarding your claim of non-consideration of COVID-19, the MEU did not note any administrative decision taken by the Administration in your regard (i.e., contested decision (v)). Rather, (...) this claim arose from your interpretation of the “Administrative Guidelines for Offices on the Novel Coronavirus (COVID-19) pandemic” dated 14 April 2020 [Guidelines], that your appointment could have been extended for an additional period of time. (...)

14. On 6 March 2023, Mr. Amani filed his application with the UNDT. Regarding the issue of non-payment of his Single Parent Allowance, he stated that “still no answer on their eventual acceptance or rejection [was] provided and the issue [was] still pending”.¹² Concerning the payment of the Education Grant, he submitted that he had been informed by e-mail that it was “finally linked to the review of his dependency status”. With respect to “consideration” of the impact of the Covid-19 crisis, he stated that the last answer he had received from RSCE had been on 2 September 2022 and RSCE had “promised to get back to [him] in due time but nothing [had] followed since then”.

15. On 15 March 2023, RSCE informed Mr. Amani of the rejection of his claims regarding the Education Grant.¹³

16. On 16 March 2023, RSCE notified Mr. Amani of the determination that he had been ineligible for the Single Parent Allowance and the decision to recover the dependency benefits.¹⁴

17. By Order No. 108 (NY/2023) dated 19 October 2023, the UNDT granted the Secretary-General’s motion to determine the receivability of the application as a preliminary matter and ordered the parties to file their closing submissions on receivability.¹⁵ The Secretary-General did so on 3 November 2023. On 17 November 2023, Mr. Amani sent an

¹² Application before the UNDT, Section VII.

¹³ RSCE 15 March 2023 e-mail.

¹⁴ RSCE 16 March 2023 e-mail.

¹⁵ Impugned Judgment, paras. 5-7.

e-mail to the UNDT Registry stating that “after a careful review of the past submissions pertaining to the Case, [he would not] file a response to the [Secretary-General’s] closing submissions”.

The impugned Judgment

18. By Judgment No. UNDT/2024/005 dated 13 February 2024, the UNDT decided that the application was not receivable.

19. With regard to contested decisions i and ii, the UNDT found that the application was not receivable *ratione materiae* because Mr. Amani had failed to request management evaluation.¹⁶ On 15 March 2023, the Organization notified him of the administrative decision to deny his Education Grant claim, and on 16 March 2023 of the administrative decision to deny his Single Parent Allowance claim. He had not requested management evaluation of these administrative decisions.

20. With respect to contested decision iii, the UNDT held that the application was not receivable *ratione materiae* because Mr. Amani’s MER had been time-barred.¹⁷ His Final Pay Statement, provided to him in June 2021, notified him of contested decision ii. He only submitted his MER on 25 October 2022.

21. As concerns contested decision iv, the UNDT found that the application was not receivable *ratione materiae* because Mr. Amani had failed to clearly identify a reviewable administrative decision.¹⁸ Despite his 16 October 2023 attempt to explain the exact decision he is contesting, the specifics remained unclear.

Procedure before the Appeals Tribunal

22. On 18 April 2024, Mr. Amani filed an appeal of the impugned Judgment with the Appeals Tribunal, to which the Secretary-General filed an answer on 26 June 2024.

¹⁶ *Ibid.*, paras. 13 and 18.

¹⁷ *Ibid.*, para. 15-16.

¹⁸ *Ibid.*, paras. 48-50.

Submissions

Mr. Amani's Appeal

23. Mr. Amani requests the Appeals Tribunal to reverse the impugned Judgment and order the Secretary-General to provide a complete, duly and properly motivated response to his application as to whether he is entitled to all the claimed benefits.

24. Mr. Amani argues that the UNDT failed to exercise jurisdiction vested in it and erred on questions of law and fact. The Administration failed to release a final decision on the issues. On 16 March 2023, the Secretary-General filed a motion to determine the receivability as a preliminary matter and, coincidentally, took the final decision on two of his claims.

25. Regarding contested decisions i and ii, Mr. Amani submits that the UNDT should have undertaken judicial action within 90 days from the date when the complete application was filed but did not. He had already initiated the formal process of dispute resolution and had no obligation to file another MER. It is incumbent on the UNDT to instruct him to file an MER as a matter of case management. Besides, he asserted that he had been waiting for the Administration's response to his claims since September 2019. The UNDT should have determined whether the delay of almost four years was unreasonable, in light of the applicable legislative texts.

26. Concerning contested decision iii, Mr. Amani contends that the UNDT erred on a question of law by endorsing the failure of the Administration to disclose the reasoning underlying its calculation of the sum of money to be paid in commutation of his accrued Annual Leave. The UNDT ignored that he had filed a complaint to the Human Resources Officers in charge of his separation process within a month from receipt of his Final Pay Statement. By obscuring these circumstances, the UNDT also erred on a question of fact, resulting in a manifestly unreasonable decision.

27. Regarding contested decision iv, Mr. Amani submits that the UNDT erred on a question of law by endorsing the Secretary-General's assertions. In order to mitigate the effects of the Covid-19 crisis on staff due for separation and to fulfil the duty of care, the Secretary-General provided the Guidelines to officials in charge of the separation process. Additional considerations were to be given to staff who were unable to complete their separation process and leave their duty station because of travel restrictions. Mr. Amani remained in his duty station for almost four months after the separation date to obtain the signatures of the mandatory clearance

document from officials who were absent from the mission area. He was also prevented from traveling to his home country because of the travel restrictions. As recognized by the UNDT in paragraph 16 of the impugned Judgment, the Final Pay Statement constitutes an administrative decision and any omission can naturally be regarded as a decision not to pay the entitlement and is subject to judicial review.

The Secretary-General's Answer

28. The Secretary-General requests the Appeals Tribunal to uphold the impugned Judgment and dismiss the appeal.

29. The Secretary-General argues that the UNDT correctly found the application not receivable. Mr. Amani has failed to demonstrate any error on the part of the UNDT warranting the reversal of the impugned Judgment. He has failed to discharge the burden incumbent upon him to satisfy the UNAT that the impugned Judgment is defective, and his appeal should be dismissed for this reason alone. His arguments also lack merit.

30. Regarding contested decisions i and ii, the Secretary-General submits that Mr. Amani has failed to demonstrate that the UNDT did not exercise jurisdiction vested in it. As the application was not receivable, the UNDT did not need to determine whether he had been subject to an unreasonable delay. In view of Article 19 of the UNDT Rules of Procedure (UNDT Rules), there is no obligation on the UNDT to issue an order, even less to instruct an applicant to request management evaluation.

31. In respect of contested decision iii, the Secretary-General contends that Mr. Amani has failed to demonstrate that the UNDT erred on a question of law or fact when it found that his MER had been time-barred. The UNDT took the facts related to his complaint about the missing entitlements into consideration. In his application, he clearly indicated that the contested decision was the Final Pay Statement, notified to him on 10 June 2021. The Administration subsequently took no new decision on this matter.

32. As concerns contested decision iv, the Secretary-General submits that Mr. Amani has failed to demonstrate that the UNDT erred on a question of law. He has failed to explain how the non-implementation of the Guidelines breached his contractual rights. It is unclear whether he refers to paragraphs 65 and 69 of the Guidelines of 10 March 2020 or the version of 14 April 2020. His claim that he waited for the signature of some documents because officials were absent from the

mission area due to travel restrictions is a new argument that he cannot raise on appeal for the first time.

Considerations

42. Mr. Amani does not challenge the entirety of the impugned Judgment. His appeal is only concerned with the following issues: (1) contested decisions i and ii, related to entitlement to the Single Parent Allowance and to the Education Grant, respectively; (2) contested decision iii, related to the commutation of his accrued Annual Leave; and (3) alleged decision iv, related to non-consideration of the impact of the COVID-19 crisis on the delayed separation process.

43. Since Mr. Amani makes different contentions to these issues, we will deal with each of them separately below.

Contested decisions i and ii

44. Mr. Amani submits that the UNDT failed to exercise jurisdiction vested in it when it ruled that the relevant parts of his application were not receivable *ratione materiae*, absent an MER. He claims that the UNDT should have initiated a case management action within 90 days pursuant to Article 19 of the UNDT Rules, and should have issued an order to instruct him to request a preliminary MER. He also maintains that the UNDT should have examined whether the Administration's delay in responding to his requests was unreasonable.

45. Mr. Amani's contentions are without merit.

46. Staff Rule 11.2 reads, in the relevant part:

(a) Staff members wishing to formally contest an administrative decision alleging non-compliance with their 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.

...

(c) A request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested. This deadline may be extended

by the Secretary-General pending efforts for informal resolution conducted by the Office of the Ombudsman, under conditions specified by the Secretary-General.

...

47. In the same vein, Article 8(1)(c) of the UNDT Statute provides that an application shall be receivable if it has been previously submitted for management evaluation, where required.

48. This Tribunal has on multiple occasions confirmed the importance of management evaluation as a mandatory first step before raising the issue with the first instance court. This process has its own rationale of enabling the Administration to reassess the situation and correct mistakes or errors without the need for judicial review. Hence, absent a request for management evaluation, the Tribunal shall have no jurisdiction to review the administrative decision brought before it.¹⁹

49. Staff Rule 11.2 is clear that the burden to submit an MER to the Administration is on the aggrieved staff member. As such, it is not the role of the UNDT to advise the parties on their legal obligations of which they are presumed to be aware, or to direct them to respect the statutory time limits set out in the Staff Regulations and Rules. It was Mr. Amani's own responsibility to make sure that the formal legal requirements were met for his application to be receivable, and the UNDT cannot be held accountable for what Mr. Amani had neglected to do in bringing his case.

50. As to Mr. Amani's other contention in respect of the alleged unreasonable delays in issuing decisions i and ii, we recall that the impugned Judgment dismissed Mr. Amani's application on grounds of non-receivability. Because we uphold the UNDT's decision, we cannot review the merits of his claims.

51. Without prejudice to the foregoing, we note that Mr. Amani submitted an MER on 25 October 2022 to review all the contested decisions, including decisions i and ii. Upon review, the Administration considered that the request was premature. Mr. Amani has not alleged on appeal that his MER was not premature. However, for sake of clarity, we affirm that even if we were to consider his MER as valid, it stands that such request was submitted belatedly at that point in time and was time-barred under Staff Rule 11.2.

¹⁹ *Said Ali Tamalawi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2023-UNAT-1349, para. 28 (internal citations omitted).

Contested decision iii

52. Mr. Amani advances two arguments. First, he contends that the UNDT erred in law when it dismissed this part of his application as non-receivable *ratione materiae*, absent a timely MER. He submits that the UNDT ignored the fact that he had filed a complaint with HRO less than one month after receipt of the Final Pay Statement. He argues that in reviewing his complaint, the Administration convened a teleconference, and requested him to submit additional documentation, before remaining silent on the issue under complaint. Second, he claims that the UNDT made an error of fact, resulting in a manifestly unreasonable decision, in obscuring those facts.

53. We reject both counts.

54. We first reiterate that “a timely request for management evaluation is a mandatory first step in the appeal process and in the absence of this administrative review, an application to the Dispute Tribunal is not receivable *ratione materiae*”.²⁰ Pursuant to Staff Rule 11.2, the 60-day time limit to submit an MER starts to run from the date on which the staff member received notification of the administrative decision to be contested, not when he or she realized or was provided with a reasonable belief that there were grounds to request management evaluation.²¹ We have also held that statutory time limits must be determined on objective elements that both parties can accurately determine.²² Repeated correspondence entered into with the Administration after the issuance of the contested decision does not reset the clock for the statutory time limits.²³ A staff member “may not, by [his or] her conduct subsequent to the notification of an administrative decision in effect, unilaterally determine the date of the administrative decision by engaging in ongoing correspondence. If that were the case, no management review would ever be time-barred because the staff member could always prevent that possibility by the simple expedient of sending an e-mail querying the basis of the decision.”²⁴

²⁰ *Selim v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-581, para. 31 (internal citations omitted).

²¹ *See Rahman v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-260, para. 23.

²² *Rosana v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-273, para. 25.

²³ *Palash Kanti Das v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1433, paras. 49-50.

²⁴ *Hiba Mohamad Abou Salah v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2022-UNAT-1299, para. 19 (internal citation omitted).

55. We have also found that pay slips may constitute notice of a positive administrative decision in respect of the elements that are contained therein, and of an implied administrative decision for the other elements that are not.²⁵ Therefore, if the staff member wishes to contest any of these elements, he or she must observe the statutory time limits from the date on which he or she first received that pay slip.

56. In the present case, it is undisputed that Mr. Amani received his Final Pay Statement on 10 June 2021. It follows that he should have submitted a formal MER with the Administration within 60 days of that day. However, the record shows that Mr. Amani only filed his MER on 25 October 2022, hence far beyond the statutory time limit. Therefore, the UNDT did not err in law when it found that his MER was not timely, and when it concluded that this part of his application was not receivable *ratione materiae*.

57. We further find that the UNDT did not commit an error of fact by obscuring the underlying facts, as it had considered Mr. Amani's submissions related to his multiple correspondence with the Administration. However, since these facts did not reset the clock for the statutory time limits, as described above, the UNDT could not draw any meaningful legal conclusions therefrom.

Alleged contested decision iv

58. Mr. Amani contends that the UNDT erred on a question of law when it dismissed this part of his application because a reviewable administrative decision was not identifiable.

59. Article 2(1)(a) of the UNDT Statute confers the Dispute Tribunal with the power to hear and pass judgments on applications filed by individuals "[t]o appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment".

60. According to the consistent jurisprudence of this Tribunal, an administrative decision is defined as a "unilateral decision of an administrative nature taken by the administration involving the exercise of a power or the performance of a function in terms of a statutory instrument, which adversely affects the rights of another and produces direct legal consequences".²⁶

²⁵ See *Yassir Ibrahim Ali Haroun v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1388, para. 78.

²⁶ *Lloret Alcañiz et al. v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-840, para. 61 (internal citations omitted).

61. In this respect, we have held that the burden of identifying the contested decision lies primarily with the applicant, who must (i) identify the administrative decision he or she wishes to contest, and (ii) show that the contested decision is in non-compliance with the terms of his or her appointment.²⁷

62. In his appeal brief, Mr. Amani makes vague statements related to the “Administrative Guidelines for Offices on the Novel Coronavirus (COVID-19) pandemic”. Although Mr. Amani specified that he challenged the final pay slip, it was unclear what element exactly in the Final Pay Statement related to the Guidelines Mr. Amani was seeking to challenge. Nor is it clear for what reasons he believes that the UNDT erred. Mr. Amani’s application before the UNDT was unclear. By Order No. 085 (NY/2023), the UNDT instructed him to “specify the administrative decision he contests”. However, Mr. Amani was again unable to define what exactly he was challenging in his Final Pay Statement that was associated with the Guidelines. Accordingly, we agree with the UNDT that Mr. Amani failed to identify a reviewable administrative decision, and his case was rightly deemed to be dismissed.

63. In light of the foregoing, Mr. Amani’s appeal fails.

²⁷ *Polino Malish Abbas v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1479, para. 44 (internal citation omitted).

Judgment

64. Mr. Amani's appeal is dismissed, and Judgment No. UNDT/2024/005 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 21st day of March 2025 in Nairobi, Kenya.

(Signed)

Judge Sheha, Presiding

(Signed)

Judge Ziadé

(Signed)

Judge Colgan

Judgment published and entered into the Register on this 8th day of May 2025 in New York, United States.

(Signed)

Juliet E. Johnson,
Registrar