



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1608

Patel Noble
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

JUDGMENT

Before:	Judge Nassib G. Ziadé, Presiding Judge Leslie F. Forbang Judge Gao Xiaoli
Case No.:	2024-1945
Date of Decision:	31 October 2025
Date of Publication:	15 December 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Leonid Dolgoplov
Counsel for Respondent:	Francisca Lago Pola

JUDGE NASSIB G. ZIADÉ, PRESIDING.

1. Mr. Patel Noble (Mr. Noble), a staff member of the United Nations Department of Safety and Security (UNDSS), contested the decision of the Administration to place him on a standby list (Priority Two List) in relation to his request to work overtime on 10 April 2023 (contested decision).
2. On 21 June 2024, by Judgment on Receivability No. UNDT/2024/037 (impugned Judgment),¹ the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) determined that Mr. Noble's application was not receivable *ratione materiae*, as he had not contested a reviewable administrative decision.
3. Mr. Noble lodged an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. For the reasons set out below, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

Facts and Procedure

5. At the relevant time of events, Mr. Noble was serving as a Senior Security Officer, at the S-3 level, on a permanent appointment with the UNDSS in New York.
6. On 30 and 31 March 2023, Mr. Noble respectively took an uncertified sick leave day and an annual leave day.
7. On 6 April 2023, Mr. Noble requested to work overtime on 10 April 2023. He was excluded from the Priority One overtime eligibility List (Priority One List) and instead placed on the Priority Two List, as he had not completed 40 consecutive working hours since his last day of sick leave on 30 March 2023.²
8. On 10 April 2023, Mr. Noble contacted the Captain of the Central Scheduling Unit (CSU) by e-mail to inquire why he had not been selected for overtime work. The CSU Captain confirmed that because "[he was] out sick on 30 March and on [annual leave] 31 [M]arch [he] had not

¹ *Noble v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/037.

² Management evaluation response dated 22 June 2023. See also Standard Operating Procedure Admin. 1 revised on 5 January 2016 (UNDSS Guidelines on allocation of overtime work).

completed [five] days of work after [his] last sick day and therefore, as is [their] practice, priority was given to staff who had completed [five] full work days since their last sick days”. The CSU Captain further clarified that if “[they] had not had enough staff available who had completed the [five] days [he] would have been awarded the [overtime]”.³

9. On 26 May 2023, Mr. Noble requested management evaluation of the contested decision.⁴

10. On 22 June 2023, the Under-Secretary-General for Management Strategy, Policy and Compliance (USG/DMSPC) informed Mr. Noble by letter of the decision to uphold the contested decision.⁵

11. On 15 September 2023, Mr. Noble filed an application before the Dispute Tribunal challenging the contested decision.

Impugned Judgment

12. On 21 June 2024, the UNDT issued the impugned Judgment, dismissing Mr. Noble’s application as not receivable *ratione materiae* on the grounds that he had not challenged a reviewable administrative decision within the meaning of Article 2(1) of the Dispute Tribunal Statute (UNDT Statute).

13. The UNDT held that pursuant to Staff Rule 5.1, the allocation of overtime work was a discretionary matter and therefore did not pertain to Mr. Noble’s terms of employment. The UNDT further found that Mr. Noble’s argument – that the Administration had abused its discretion – related to the merits of the case rather than its receivability.⁶

14. The UNDT concluded that Mr. Noble had not suffered any harm as a result of the contested decision and that there was no adverse legal consequence to his terms of appointment. It highlighted that his remuneration had not been affected by the contested decision, noting that his total overtime during the latest quarter of the year was 172.5 hours, while the average overtime among all security officers during the same period was 161 hours.⁷

³ E-mail dated 10 April 2023 from the CSU Captain to Mr. Noble.

⁴ Management evaluation request dated 26 May 2023.

⁵ Management evaluation response dated 22 June 2023.

⁶ Impugned Judgment, paras. 18 and 21.

⁷ *Ibid.*, paras. 22-23.

Procedures before the Appeals Tribunal

15. On 20 August 2024, Mr. Noble filed an appeal against the impugned Judgment with the Appeals Tribunal, to which the Secretary-General responded on 21 October 2024.

16. On 30 October 2024, Mr. Noble filed a Motion for Additional Pleadings (Motion), supplementing the arguments raised in his appeal brief and responding to the Secretary-General's answer.

17. On 26 September 2025, the Secretary-General provided his Comments on the Motion, arguing that Mr. Noble had failed to demonstrate any exceptional circumstances justifying the Motion. On the contrary, the Secretary-General submitted that the additional pleadings merely reiterate and supplement Mr. Noble's appeal and improperly respond to arguments raised by the Secretary-General in his answer.⁸

Submissions

Mr. Noble's Appeal

18. Mr. Noble requests that the Appeals Tribunal grant the appeal, reverse the impugned Judgment, remand the matter to the UNDT for consideration on the merits and grant him any other relief it deems appropriate.

19. Mr. Noble submits that the UNDT erred in concluding that the contested decision had no adverse impact on his conditions of service. He asserts that overtime represents a significant portion of his income. Therefore, given his financial dependency on overtime amid rising living costs, he argues it has become "*de facto* an entitlement" and should thus be considered a right.

20. Mr. Noble observes that Staff Rule 5.1 does not establish a legal framework for the distribution of overtime.

21. Mr. Noble submits that the UNDSS Guidelines on allocation of overtime work impermissibly impose new restrictions on his rights under his terms of appointment and undermine the established rules regarding his entitlement to take sick leave. Accordingly, he contends that the contested decision was not purely discretionary. In any event, relying on

⁸ *Mihai Nastase v. Secretary-General of the United Nations*, Order No. 506 (2023), para. 7.

Ozturk,⁹ he maintains that, even if discretionary, the contested decision still constitutes a reviewable administrative decision.

22. Mr. Noble submits that the UNDT erred in failing to consider that the UNDSS Guidelines on allocation of overtime work are discriminatory. He argues that these Guidelines draw an unfair distinction between staff members taking sick leave and those on annual leave, effectively penalizing the former. He claims that this discriminatory treatment violated his right to equal treatment and caused him significant moral harm and health damages.

The Secretary-General's Answer

23. The Secretary-General requests the Appeals Tribunal to dismiss the appeal and affirm the impugned Judgment.

24. The Secretary-General submits that the UNDT correctly found Mr. Noble's application not receivable *ratione materiae*, in accordance with the applicable law and Appeals Tribunal jurisprudence. In particular, he refers to Staff Rule 5.1 which, although stating that a staff member may be required to do overtime work, does not confer a contractual right to perform such overtime work or to determine one's own overtime schedule. Accordingly, the Secretary-General argues that the allocation and scheduling of overtime are discretionary organisational decisions that are "purely internal" and do not affect the rights of staff members.

25. In the present case, the Secretary-General contends that since Mr. Noble failed to demonstrate that the contested decision had any direct and actual negative impact on his contractual rights, the UNDT properly concluded that there was no administrative decision subject to review under Article 2(1) of the UNDT Statute.

26. The Secretary-General submits that Mr. Noble has not established any errors, warranting a reversal of the impugned Judgment. In this regard, he reiterates that the UNDT did not err in finding that the contested decision had no adverse effect on Mr. Noble. On the contrary, he highlights that the case record clearly shows that Mr. Noble's placement on the Priority Two List did not adversely affect him, as he continued to work overtime both before and after 10 April 2023.¹⁰ He rejects Mr. Noble's argument that overtime became a "*de facto* entitlement" due to increased cost-of-living expenses, arguing that such a claim is disingenuous. He emphasizes

⁹ *Ozturk v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-892.

¹⁰ Comparative table of overtime hours.

that overtime is neither a benefit nor an entitlement, stating that “it is not for a staff member to determine what constitutes a benefit and entitlement that he is contractually entitled to based on his own personal assessment”.

27. Addressing Mr. Noble’s claim of moral harm and health-related damages, the Secretary-General contends that this constitutes a new argument that should not be receivable on appeal. In any event, he adds that Mr. Noble failed to substantiate his claim with any evidence and that the issue is irrelevant to the determination of the receivability of his case.

28. Finally, the Secretary-General argues that the UNDT did not err in rejecting Mr. Noble’s contention that the UNDSS Guidelines on allocation of overtime work contradict the Staff Rules and are discriminatory. He submits that the general application of a policy cannot be challenged before the Appeals Tribunal. Citing well-established jurisprudence, he recalls that an administrative decision is “a unilateral decision taken by the [A]dministration in a precise individual case (individual administrative act), which produces direct legal consequences to the legal order” and that “the administrative decision is distinguished from other administrative acts, such as those having regulatory power (which are usually referred to as rules or regulations), as well as from those not having direct legal consequences”.¹¹ In any event, he argues that the alleged discriminatory nature of the UNDSS Guidelines is irrelevant to the determination of the receivability of Mr. Noble’s application.

Considerations

Preliminary issue

29. With regard to Mr. Noble’s Motion, Article 2(5) of the Appeals Tribunal Statute (Statute) provides that “[i]n exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings”. Similarly, pursuant to Article 31(2) of the Appeals Tribunal Rules of Procedures (Rules) and Section II.A.3 of the Appeals Tribunal’s Practice Direction No. 1, a

¹¹ *Osama Abed & Eman Abed v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2022-UNAT-1297, para. 34 citing former Administrative Tribunal Judgment No. 1157, *Andronov* (2003), para. V.

motion to file an additional pleading may be granted if there are “exceptional circumstances justifying the motion”.

30. In the present case, we find that Mr. Noble has failed to demonstrate, or even to assert, any exceptional circumstances in support of his Motion. On the contrary, as correctly observed by the Secretary-General, his pleadings merely repeat or seek to supplement the arguments he made in his appeal. However, this Tribunal has previously held that “where an additional pleading merely consists of supplementary arguments to those already submitted in an appeal or answer, there are no ‘exceptional circumstances’ which would allow the admission of the additional argument”.¹² With respect to Mr. Noble’s arguments raised in response to the Secretary-General’s answer, we recall that “additional submissions and annexes as supplementary arguments and in response to the [Secretary-General]’s submissions as rebuttal (...) [are] not authorized in the process”.¹³

31. The Motion is therefore denied.

Merits of the case

32. The primary issue in this matter is whether the UNDT correctly held that Mr. Noble’s application was not receivable.

33. According to its Statute, the Dispute Tribunal is competent to hear and pass judgment on appeals from “an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment” of a staff member.¹⁴

34. The Appeals Tribunal has held in this respect that administrative decisions are “characterized by the fact that they are taken by the Administration, they are unilateral and of individual application, and they carry direct legal consequences. (...) [T]he key characteristic of an administrative decision subject to judicial review is that the decision must ‘produce[] direct legal consequences’ affecting a staff member’s terms and conditions of appointment”.¹⁵ As concisely summarized by the Secretary-General in his submission to the Dispute Tribunal, managerial conduct is not a reviewable administrative decision if it is “(i) a purely internal matter; (ii) within

¹² *Tejbir Singh Soni v. Secretary-General of the United Nations*, Order No. 527 (2023), para. 7.

¹³ *Mihai Nastase* Order, *op. cit.*, para. 7.

¹⁴ Article 2(1)(a) of the UNDT Statute.

¹⁵ *Lee v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-481, paras. 48-49 (internal citations omitted). See also *Alejandro Francisco Lago v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1457, para. 41.

the Organization's managerial prerogative; (iii) not adversely affecting the Applicant's rights; and (iv) without any direct legal consequences to the terms and conditions of his appointment".¹⁶

35. Importantly, therefore, an application must challenge an individualized action or decision allegedly contrary to the staff member's terms and conditions of appointment to be receivable; an application challenging the regulations and rules themselves is not receivable under the UNDT Statute. As the Appeals Tribunal has held:¹⁷

... (...) The terms 'contract' and 'terms of appointment' include all pertinent regulations and rules and all relevant administrative issuances in force at the time of the alleged non-compliance.

... Thus, a statutory burden is placed upon an applicant to establish that the administrative decision in issue was in non-compliance with the terms of his or her appointment or contract of employment. Such a burden cannot be met where the applicant fails to identify an administrative decision capable of being reviewed, that is, a specific decision which has a direct and adverse impact on the applicant's contractual rights.

36. Mr. Noble challenges his placement on the overtime Priority Two List, rather than the Priority One List, and the consequent non-assignment of overtime to him on 10 April 2023. For this to be a reviewable administrative decision, it would have to be contrary to "pertinent regulations and rules and all relevant administrative issuances".¹⁸

37. Staff Rule 5.1 addresses the subject of overtime. It provides that "[a] staff member may be required to work beyond the normal number of working hours whenever requested to do so", and that a staff member who is "required to work in excess of the normal number of working hours per week shall be given compensatory time off or may receive payment for overtime". Under this Rule, the allocation of overtime work is discretionary with management, and a decision not to require a staff member to work overtime is not contrary to any term or condition of employment. There is no contractual right to perform overtime work, nor to select one's own overtime schedule, but only a duty on the staff member to perform overtime work when requested to do so.

38. The UNDSS Guidelines established a procedure for equitably allocating overtime among interested employees, and – as Mr. Noble concedes – the Administration followed that procedure in the present case. He is thus not claiming that the contested decision violated any "pertinent

¹⁶ Impugned Judgment, para. 12.

¹⁷ *Egor Ovcharenko et al. and Daniel Edward Kutner et al. v. Secretary-General of the United Nations*, Judgment No. 2022-UNAT-1262, paras. 28-29 (internal footnote omitted).

¹⁸ Articles 2(1)(a) and 8(1)(a) of the UNDT Statute.

regulations and rules and (...) relevant administrative issuances”.¹⁹ His application was therefore not receivable.

39. Mr. Noble argues that, notwithstanding the absence of any claim, his placement on the Priority Two List was contrary to his contract of employment, and his history of taking overtime and personal financial circumstances created for him a personal “*de facto* (...) entitlement”.²⁰ No such personal entitlement exists within the United Nations internal justice system, and Mr. Noble’s contention must be rejected.

40. Mr. Noble has also not demonstrated that he suffered any direct adverse effect from the contested decision. As the UNDT found, despite being placed on the Priority Two List, Mr. Noble was granted an above-average amount of overtime compared to his peers during 2023. He was not directly adversely affected by the action he challenges.²¹

41. Finally, Mr. Noble has claimed in his appeal to this Tribunal that he suffered moral harm and health-related damages. This claim was not raised before the UNDT and, according to an established line of case law by this Tribunal, it cannot be raised for the first time on appeal.²² In any event, because no illegality has been established, there could be no justification for any award of compensation.²³

¹⁹ Article 2(1)(a) of the UNDT Statute.

²⁰ Appeal brief, para. 5.

²¹ Impugned Judgment, para. 22.

²² *Yelena Goldenberg v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1444, para. 53; *Staedtler v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-547, paras. 24-25.

²³ *Asmaa Abdullah Nassir Al-Timimi v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1481, para. 42; *Yolla Kamel Kanbar v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1082, para. 45.

Judgment

42. Mr. Noble's appeal is dismissed, and Judgment No. UNDT/2024/037 is hereby affirmed.

Original and Authoritative Version: English

Decision dated this 31st day of October 2025 in New York, United States.

(Signed)

Judge Ziadé, Presiding

(Signed)

Judge Forbang

(Signed)

Judge Gao

Judgment published and entered into the Register on this 15th day of December 2025 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar