



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/096
Judgment No.: UNDT/2021/126
Date: 2 November 2021
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

VANO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a staff member of the United Nations Mission in South Sudan (“UNMISS”). On 1 November 2021, he filed an application to contest the 19 October 2021 decision by the Regional Service Centre Entebbe (“RSCE”) to not reimburse the cost of his stay at a fee-paying facility during a government mandated quarantine while he was on home leave.

Considerations

2. The Tribunal finds that this application is not receivable for the reason outlined below.

3. Pursuant to staff rules 11.2(a) and 11.2(c), for an application to be receivable, the applicant must first submit a request for management evaluation to the Management Evaluation Unit (“MEU”) within the applicable time limit, which is “60 calendar days from the date on which the staff member received notification of the administrative decision to be contested”.

4. Article 8.1(c) of the UNDT Statute provides that an application shall be receivable if an applicant has previously submitted the requested administrative decision for management evaluation where required.

5. The purpose of the request for management evaluation is to give the Administration a chance to correct itself and/or provide an acceptable solution where necessary before a staff member resorts to litigation.

6. In the present matter, the Applicant has indicated at section VI, page 4, of his application that he has not requested management evaluation of the 19 October 2021 RSCE decision. The Applicant has not complied with one of the core requirements enunciated in article 8.1(c) of the UNDT Statute and in staff rules 11.2(a) and 11.2(c). The Tribunal does not therefore have the requisite jurisdiction to entertain this application.

JUDGMENT

7. The application is dismissed.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 2nd day of November 2021

Entered in the Register on this 2nd day of November 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi