



**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Isaac Endeley

RODRIGUEZ SANTORUM

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

**ON RECEIVABILITY**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Adrien Meubus, LPAS/UNOG

## **Introduction**

1. On 4 October 2022, the Applicant, a staff member of the International Organization for Migration (“IOM”), filed an application contesting the rejections of his requests for after-service health insurance by (a) IOM and (b) the Health and Life Insurance Section in the United Nations Secretariat.

2. On 4 November 2022, the Respondent filed his reply in which he claims that the application is not receivable.

## **Consideration**

*May the Dispute Tribunal hear and pass judgment on an application regarding an administrative decision of IOM?*

3. Pursuant to arts. 2.1 and 2.5 of the Statute of the Dispute Tribunal, the Tribunal is only competent to hear and pass judgment on applications against (a) the Secretary-General as the Chief Administrative Officer of the United Nations, or (b) another agency, organization or entity, which has concluded a special agreement with the Secretary-General of the United Nations to accept the terms of the jurisdiction of the Dispute Tribunal, consonant with the Statute.

4. The United Nations Secretary-General is not the Chief Administrative Officer of IOM, and IOM has not concluded a special agreement with the Secretary-General accepting the Dispute Tribunal’s jurisdiction. Instead, IOM falls under the jurisdiction of the Administrative Tribunal of the International Labour Organization.

5. Accordingly, the Tribunal has no jurisdiction to undertake a judicial review of any decision of IOM that forms part of the application.

*Did the Applicant file a timely request for management evaluation of the administrative decision taken by the United Nations Health and Life Insurance Section?*

6. The Tribunal notes that under staff rule 1.2, a mandatory first step in a case like the present one, which does not concern a decision (a) taken by a technical body, as determined by the Secretary-General, or (b) following the completion of a disciplinary process, is to file a request for management evaluation *before* submitting an application to the Dispute Tribunal. Otherwise, the application to the Dispute Tribunal is not receivable (in line herewith, see the consistent jurisprudence of the Appeals Tribunal in, for instance, *Chriclow* 2010-UNAT-035).

7. The Appeals Tribunal has stated that the purpose of the management evaluation is to “afford the Administration the opportunity to correct any errors in an administrative decision so that judicial review of the administrative decision is not necessary” (see *Farzin* 2019-UNAT-917, para. 40, and in line herewith, for instance: *Kuadio* 2015-UNAT-558; *El-Shobaky* 2015-UNAT-564; *Kalashnik* 2017-UNAT-803).

8. In the present case, in accordance with the Applicant’s submission of 6 December 2022, he filed the request for management evaluation on 4 November 2022, which is one month *after* he filed the application before the Tribunal. This is premature under staff rule 11.2 and defeats the very purpose of the management evaluation, which is to allow the Administration the opportunity to correct any errors and possibly avoid litigation. The Tribunal further notes that the Applicant has subsequently on 4 January 2023 filed a new application concerning the same matter as that of the present case, which is currently pending before the Tribunal in Case No. UNDT/NY/2023/001.

9. Accordingly, as the Applicant’s request for management evaluation was not filed before submitting the application to the Dispute Tribunal in the present case, the Tribunal does not have the necessary subject-matter jurisdiction under staff rule 11.2.

The challenge against the decision of United Nations Health and Life Insurance Section is therefore not receivable *ratione materiae*.

**Conclusion**

10. The application is not receivable.

*(Signed)*

Judge Joelle Adda

Dated this 22<sup>nd</sup> day of June 2023

Entered in the Register on this 22<sup>nd</sup> day of June 2023

*(Signed)*

Isaac Endeley, Registrar, New York