



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NBI/2024/071
Judgment No.:	UNDT/2025/033
Date:	12 June 2025
Original:	English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

SHIALA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for Applicant:

Chadrack Kaswa Koko

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. The Applicant, a former driver, working with the United Nations Children’s Fund (“UNICEF”), filed an application on 26 November 2024 contesting the manner in which UNICEF handled his request for compensation for an injury allegedly incurred on 28 February 2021 in a work-related accident. The Applicant did not identify a specific administrative decision that he contests.

2. On 4 December 2024, the Respondent filed a motion requesting the Tribunal to: (i) determine receivability as a preliminary matter and thereafter dismiss the application; (ii) suspend the Respondent’s deadline for the filing of the reply pending the determination of the motion.

3. By Order No. 160 (NBI/2024), the Tribunal partially granted the Respondent’s motion. By the same Order, the Applicant was directed to file a rejoinder on the issue of receivability on or before Monday, 23 December 2024. The Applicant was further directed that:

Along with his arguments on receivability, the Applicant would specifically indicate the specific administrative decision that he was seeking to have reviewed, and whether or not he requested management evaluation of the contested decision. The Applicant would submit a copy of the contested administrative decision and, if he requested management evaluation of that decision, copy of the request.

4. The Applicant filed the rejoinder on 20 December 2024.

Consideration

5. This Tribunal is competent to hear and pass judgment on an application filed by a current or former staff member “[t]o appeal an administrative decision that is

alleged to be in non-compliance with the terms of appointment or the contract of employment.” (Statute of the United Nations Dispute Tribunal, art. 2. 1 (a)).

6. Further, in accordance with art. 8(c) of the Tribunal Statute, an application is receivable if:

An applicant has previously submitted the contested administrative decision for management evaluation, where required.

7. Although the application makes vague allegations that the Organization has violated the staff rules, it is not submitted on the prescribed application form and thus does not identify when and where the contested decision was taken. In addition, the application is devoid of any mention of having sought management evaluation.

8. The Tribunal notes that it directed the Applicant to provide a copy of the contested administrative decision and proof of his management evaluation request, but he failed to do so in the intervening six months. As a result, the Tribunal is unable to confirm that the requirements of the Tribunal Statute have been complied with.

9. The Statute places on the Applicant the burden of establishing “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.” (*Farzin*, 2019- UNAT-917).

10. Having failed to meet this burden, the Applicant has given the Tribunal no choice but to dismiss his application.

Conclusion

11. In view of the foregoing, the application is DISMISSED.

(Signed)

Judge Sean Wallace

Dated this 12th day of June 2025

Entered in the Register on this 12th day of June 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi