

Introduction

1. On 15 July 2022, the Applicant filed the application.
2. Subsequent to the Registry instructing the Applicant to provide certain information but not receiving a response, on 8 August 2022, the Tribunal issued Order No. 074 (NY/2022). By this Order, the Tribunal provided the Applicant with the following directions:
3. By **10:00 a.m. on Tuesday, 6 September 2022**, the Applicant is to file thr 2022

Consideration

7. It is trite law that the Tribunal may examine its own jurisdiction on its own initiative (see, for instance, the Appeals Tribunal in *O'Neill* 2011-UNAT-182 and *Barud* 2020-UNAT-998).

Receivability *ratione personae*

8. The Tribunal notes that pursuant to art. 3.1 of the Dispute Tribunal's Statute, access to the Tribunal is limited to staff members and, under certain conditions, former staff members and persons making claims in the name of an incapacitated or deceased staff member.

9. Staff regulation 4.1 provides that a person only becomes a United Nations staff member after they are issued a letter of appointment. However, it is jurisprudentially established that, under certain circumstances, a person who has not yet been issued a letter of appointment is entitled to seek recourse within the internal justice system, provided that he/she satisfied all the conditions of an offer of appointment (*Gabaldon* 2011-UNAT-120).

10. Applying the above to the instant case, the Tribunal finds that the Applicant does not meet the criteria which would entitle him to seek recourse within the internal justice system.

11. From the documents before the Tribunal follows that the Applicant is not a United Nations staff member. The Applicant's submissions do not establish that an offer of employment had been issued and the Applicant does not provide any evidence that he is entitled to contract-based rights with a view to employment as a staff member within the Organization. The Administration did not undertake to conclude a contract for the recruitment of the Applicant as a staff member and can therefore not be regarded as having extended to him the protection of its administration of justice system.

12. Accordingly, the Tribunal finds the Applicant has no legal standing before the Tribunal, and the application is therefore not receivable *ratione personae*.

Receivability *ratione materiae*

13. Furthermore, the Tribunal finds that the Applicant has failed to state what administrative decision(s) he wishes to contest in accordance with art. 2.1(a) of the Dispute Tribunal's Statute.

14. As the Tribunal stated in Order No. 074 (NY/2022), under the consistent jurisprudence of the Appeals Tribunal, an applicant to is identify10.00000912 0 612 792 reW*nBT/F

Conclusion

17. The application is rejected as not receivable.

18. In result, no need exists for the Tribunal to seek the Respondent's reply or address any of the Applicant's motions stated in his 10 August 2022 submission.

(Signed)

Judge Joelle Adda

Dated this 7th day of September 2022

Entered in the Register on this 7th day of September 2022

(Signed)

Morten Michelsen, Officer-in-Charge, New York