
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/006

Judgment No.: UNDT/2024/005

Date: 13 February 2024

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

AMANI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Halil Goksan, AS/ALD/OHR/UN Secretariat

Introduction

1. On 6 March 2023, the Applicant, a former staff member with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), filed an application regarding the post-separation entitlements paid to him.
2. On 16 March 2023, the Respondent filed a motion submitting that the application was not receivable and requested that the Dispute Tribunal determine the receivability of the application as a preliminary matter.
3. By Order No. 085 (NY/2023) dated 13 September 2023, the Tribunal

- a. His entitlement to the Single Parent Allowance ;
- b.);
- c. ;
- d. placement on Administrative Leave Without Pay from 28 October 2019 to 23 April 2020: (i) medical plan benefits (Decision 4.1); (ii) Pension Fund benefits (Decision 4.2); and (iii) Education Grant Claim (Decision 4.3); and
- e. -consideration [of the] COVID-19 Crisis Impact on the delayed .

9. The Appeals Tribunal has held that the Dispute Tribunal may consider the receivability of an application as a preliminary matter before reviewing the merits of the case (see, for instance, *Pellet* 2010-UNAT-073). Based on the 16 March 2023 motion of the Respondent on non-receivability, and for the fair and expeditious disposal of the case and to do justice to the parties in accordance with art. 19 of its Rules of Procedure, the Tribunal has decided to do so.

The submissions on receivability of the parties

10.

those decisions. An application is only receivable if the Applicant first sought management evaluation.

d. With regard to Decision 5, the application is not receivable *ratione materiae* and *ratione temporis* because the Applicant fails to clearly identify a reviewable administrative decision, and assuming *arguendo* that a decision existed, the application is time-barred. Should the Dispute Tribunal find that the Applicant in fact identified an administrative decision, the application is not receivable *ratione temporis* as to Decision 5. The Applicant failed to meet the 90 calendar-day deadline to submit his application contesting Decision 5. The Applicant appears to allege that his appointment could have been extended for an additional period of time in view of his reading of the Administrative Guidelines for Offices on the Novel Coronavirus (COVID-19) Outbreak dated 10 March 2020 and despite the decision to separate him based on misconduct. The Applicant was separated from service, effective 23 April 2020. In view of the 90 calendar-day deadline, the Applicant should have filed his application on or before 22 July 2020. The application dated 6 March 2023 is filed more than 2.5 years after the alleged contested decision and is, therefore, not receivable *ratione temporis*.

e. Lastly, Decision 2 has been resolved and the merits of that decision are not contested by the Applicant.

11. brief contentions on the issue of receivability may be summarized as follows:

a. The Applicant got separated from service in April 2020. While this administration decision was under judicial review, the separation process was outrageously delayed and was concluded in June 2021 by the release of the Applicant not properly computed in the Applicant final pay package.

b. With regard to Decision 1 and Decision 4.3 this issue was under consideration before the human resources teams of both MINUSMA and the United Nations Regional Service Centre Entebbe. During the telephone conference initiated by MINUSMA human resources team and held on 9 September 2021,

15. With respect to Decision 3, the Tribunal finds that the application is not receivable *ratione materiae* request was time-barred. The record shows that the Applicant failed to meet the 60 calendar-day deadline to submit a request for management evaluation of Decision 3.

16. The Organization provided the Applicant with a statement of his final separation pay in June 2021. That statement notified the Applicant of the decision 3. The Applicant, however, only submitted his request for management evaluation on 25 October 2022, almost 1.5 years after he was notified of the relevant contested decision.

Organization notified the Applicant of the administrative decisions to deny his education grant claim. The Applicant, however, has not requested management evaluation of this administrative decision. As a result, the Dispute Tribunal cannot conduct a judicial review of Decision 4.3.

Decision 5 - -consideration [of the] COVID-19 Crisis Impact on the delayed

19. non-consideration [of the] COVID-

