
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/052

Judgment No.: UNDT/2015/050

Date: 16 June 2015

Original: English

Respondent's submissions on receivability

9. The Applicant is a former staff member of the Organization. He last

served [(H).04 67(t)-20(h)96F1 9.4751 Tf 0 0 2 q BT /F134751 Tf q BT /F1347-11(a)-359(iz)-3(a)

Applicant cites the case of Masykhanov¹ in support of his contention that former staff members can contest administrative decisions.

14. Articles 2 and 3 of the Statute of the Dispute Tribunal explicitly give him, as a former staff member, the right to appeal administrative decisions.

15. The Applicant submits that this situation originated while he was in the

Secretariat or separately administered United Nations funds and programmes; (c) Any person making claims in the name of an incapacitated or deceased staff member of the United Nations, including the United Nations Secretariat or separately administered United Nations funds and programmes. (Emphasis added).

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19. In *Gharemani*² and *Sims*³, the United Nations Appeals Tribunal held that the applications were not receivable *ratione personae* as the applicants were former staff members who were no longer subject, on the dates of filing their applications, to the Staff Regulations and Rules of the Organization and that a contested decision must have a bearing on an applicant's status as a former staff member.

20. It is the Applicant's case that the events giving rise to the contested decision arose while he was in the employment of the Organization. He alleges illegal intervention by the Chief of Staff. By the Applicant's own admission, he had "already been shortlisted for a specific SSR position while in UNSMIL". Not, however, the current contested positions.

21. The Tribunal finds that the contested decision has no bearing on the Applicant's status as a former staff member.

JUDGMENT

22. In view of the foregoing, the Tribunal rejects this Application as not receivable *ratione personae*

(Signed)

Judge Nkemdilim Izuako

Entered in the Register on this 16th day of June 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi