

# **UNDT/2011/055, Mialeshka**

## UNAT Held or UNDT Pronouncements

UNDT noted that when the facts at issue occurred, the Applicant was neither a staff member, nor a former staff member within the meaning of Article 3.1 of the UNDT Statute. UNDT accordingly held that the Applicant was not a person having access to UNDT and that it had to declare itself not competent to consider the application. UNDT rejected the application.

## Decision Contested or Judgment/Order Appealed

The Applicant filed an application with UNDT contesting the decision to recover from him a partial amount of the Internet costs incurred by the Country Office as a result of the Applicant downloading video and audio files using an office computer.

## Legal Principle(s)

Left deliberately blank.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Mialeshka

## Entity

UNDP

## Case Number(s)

UNDT/GVA/2010/119

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

20 Mar 2011

## Duty Judge

Judge Laker

## Language of Judgment

English

French

Russian

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

## Applicable Law

## UNDT Statute

- Article 2.1
- Article 3.1
- Article 8.1(b)