

UNDT/2011/063, Hunt-Matthes

UNAT Held or UNDT Pronouncements

The Tribunal found that the decision of the Ethics Office had direct consequences for the rights of the Applicant so as to make it an administrative decision. Further, the Tribunal held that when a claim relates to issues covered by ST/SGB/2005/21, a staff member is entitled to certain administrative procedures, including judicial review of the administrative decision taken.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of UNHCR, claimed that an investigation she was conducting into an alleged case of rape of a refugee by a UNHCR staff member was obstructed by senior officials of UNHCR. She reported the obstruction to other senior members of UNHCR and subsequently to the Ethics Office once she learned that her fixed-term appointment would not be renewed. The Ethics Office found that while she had engaged in a protected activity, there was no *prima facie* case of retaliation because there was no connection between her reporting of misconduct and the decision not to renew her contract. She is contesting the decision of the Ethics Office.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal held that the application was receivable because the decision of the Ethics Office was an administrative decision within the meaning of article 2(1)(a) of the UNDT Statute.

Full judgment

[Full judgment](#)

Applicants/Appellants

Hunt-Matthes

Entity

UNHCR

Case Number(s)

UNDT/NBI/2010/054

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

6 Apr 2011

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Former Staff Regulations

- Regulation 11.1

Secretary-General's bulletins

- ST/SGB/2002/12
- ST/SGB/2005/21
- ST/SGB/2005/22

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2010/017

2010-UNAT-099