

UNDT/2011/139, Charles

UNAT Held or UNDT Pronouncements

Receivability: In light of the Respondent's own arguments in this case, it should have been clear that the decision taken clearly falls within the type of decisions contemplated by art. 2.1 of the Tribunal's Statute. This Tribunal has moved toward a less rigid and more purposive interpretation of what constitutes an administrative decision and parties should not fail to take into account the developing case law of the Dispute Tribunal and the Appeals Tribunal. Incomplete applications: There may be cases where an application for sabbatical leave, while formally containing the documents and information required, is substantively incomplete, that is, where it does not contain information of a sufficient or reasonable quality for a decision to be made on the basis of what is submitted. Discretion of Programme Officer-in-Charge: There was no evidence led of the delegation of authority to the Programme Officer-in-Charge to determine whether applications are either late or incomplete and the instruments do not state so; therefore it must be for the Committee to undertake at least a preliminary consideration and make the assessment of which applications comply and which will be considered on their merits. Loss: Where no consideration or informed evaluation of an application for sabbatical leave would be possible, an applicant cannot be said to have suffered any loss from a failure to forward his application to the Committee. Outcome: The Tribunal found that the Programme Officer-in-Charge did not have authority to determine the Applicant's application incomplete, but that he could not be said to have suffered any loss attributable to the Respondent.

Decision Contested or Judgment/Order Appealed

The Applicant sought compensation for delay and mental distress allegedly resulting from the decision of the Programme Officer-in-Charge, Sabbatical Leave Programme, not to forward his application for sabbatical leave to the Selection Committee, assisting the ASG, OHRM, on the grounds that it was incomplete; a discretionary power which the Applicant alleges the Programme Officer-in-Charge does not have.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/069

Tribunal

UNDT

Registry

New York

Date of Judgement

4 Aug 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Special leave (with or without pay)

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Administrative Instructions

- ST/AI/2000/4

Information Circulars

- ST/IC/2009/33

UNDT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2009/074

UNDT/2010/165

UNDT/2010/206

2010-UNAT-030

2010-UNAT-058

2010-UNAT-084

2010-UNAT-095