

# **UNDT/2012/036, Hunter**

## UNAT Held or UNDT Pronouncements

The UNDT found that the Applicant failed to establish that the alleged administrative decision he sought to contest affected his legal rights. The UNDT found that the Applicant lacked legal standing and his application was therefore deemed not receivable.

## Decision Contested or Judgment/Order Appealed

Applicant seeks to contest the alleged failure of several peacekeeping missions to correctly pay official business travel allowance.

## Legal Principle(s)

Legal standing, capacity: For the purposes of art. 2.1(a) of the Statute, it is not sufficient for an applicant to merely establish that there was an administrative decision that she or he disagrees with. As the Tribunal held in a number of cases, to have standing before the Tribunal, a staff member must show that the contested administrative decision affects her or his legal rights. It is a general principle of law that a litigant must have legal capacity and legal standing in order to invoke the jurisdiction of a court or a tribunal. A party who litigates must show that he has sufficient interest in the matter, the basic ingredient of which is that a party must show that he has a right or interest at stake. A litigant will have legal standing if the right on which he bases his claim is one that this individual personally enjoys, or if he has a sufficient interest in the person or persons whose rights he seeks to protect. Burden of proof of harassment allegations: The onus is on the Applicant to provide sufficient evidence of harassment or retaliation.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Hunter

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/076

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

22 Mar 2012

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

### Administrative Instructions

- ST/AI/1997/6

### UNDT RoP

- Article 11
- Article 9

### UNDT Statute

- Article 2.1
- Article 3.1

## Related Judgments and Orders

UNDT/2010/165

UNDT/2010/206

UNDT/2011/053

UNDT/2011/101

2010-UNAT-012

2011-UNAT-178

2011-UNAT-184