

UNDT/2012/094, Christensen

UNAT Held or UNDT Pronouncements

The Tribunal finds that the Salary case was never properly before the Tribunal and is not receivable. It is within the discretionary authority of the Secretary-General to reconsider whether the existence of an injury is attributable to the performance of official duties. In this case, the Secretary-General has refused to exercise that discretion. The Applicant's claims in as far as they rely on art. 11 of Appendix D to the Staff Rules are therefore not receivable. With respect to all of the Applicant's other claims including her claim for DSA and air ticket for her daughter's travel in 2002, her claim for compensation arising from the late shipment of her property, the Tribunal concurs with the Respondent's submissions that these claims are not receivable as the Applicant should have requested for Administrative review of the decisions denying her the payments in accordance with former staff rule 111.2(a). The Tribunal does not have the power to waive the time limits for requests for administrative review under the old internal justice system.

Decision Contested or Judgment/Order Appealed

The Applicant contested a number of decisions regarding her Appendix D claim, salary and entitlements.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Christensen

Entity

ICTR

Case Number(s)

UNDT/NBI/2009/069

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 Jun 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Compensation

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)

Staff Rules

- Appendix D
- Rule 17
- Rule 9