

UNDT/2014/013, Fontaine Ortiz

UNAT Held or UNDT Pronouncements

The Tribunal dismissed the application as time-barred, as the Applicant failed to submit a timeous request for administrative review/management evaluation.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member who served during his last years before retirement as an Inspector with the Joint Inspection Unit (“JIU”), contests the decisions (a) not to grant him a last home leave entitlement, (b) not to grant him a repatriation grant entitlement of 20 weeks on account of his eight years of service as a staff member and 24 weeks for his ten years as JIU Inspector, and (c) not to pay him full assignment grant entitlement upon his appointment as an Inspector. The respective requests were rejected in 2002 and 2010, and again in 2012; the Applicant had not formally contested them at that time. They were confirmed by the ASG/OHRM in November 2012, but the Applicant requested management evaluation only in February 2013.

Legal Principle(s)

Confirmative decisions: Communications that merely confirm previous administrative decisions of identical content do not suspend or re-start the applicable time limits for contestation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Fontaine Ortiz

Entity

UNOG

Case Number(s)

UNDT/GVA/2013/27

Tribunal

UNDT

Registry

Geneva

Date of Judgement

29 Jan 2014

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Former Staff Rules

- Rule 111.2

Staff Rules

- Rule 11.2

UNDT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2011/180

2010-UNAT-043

2010-UNAT-069

2011-UNAT-108

2010-UNAT-036

2011-UNAT-169

2012-UNAT-191

2013-UNAT-349