

UNDT/2014/071, Kazazi

UNAT Held or UNDT Pronouncements

It is not clear when exactly the decision was first notified to the Applicant. However, by email of 23 August 2013, a Senior Human Resources Officer clearly informed the Applicant of the decision and provided him with a comprehensive explanation on the rationale and the legal basis thereof. Thereafter, the Applicant contacted the Chief, HRMS, UNOG, and the Director, Division of Administration, UNOG, seeking reconsideration of his request. By email of 25 November 2013, the Chief, HRMS, noted that the Applicant would soon be informed of the outcome of HRMS consideration of his case. Moreover, on 17 December 2013, the Director, Division of Administration, wrote to the Applicant, referring to the email of 23 August 2013 and stressing that he was entitled to repatriation grant at the single rate only. The Applicant filed his request for management evaluation on 16 February 2014. The Tribunal found that the application was not receivable, *ratione materiae*, since the Applicant had failed to file a timely request for management evaluation.

Decision Contested or Judgment/Order Appealed

The Applicant, who had worked at the UNCC for 21 years, was separated on 31 October 2012. The Applicant contests the decision according to which he was not entitled to repatriation grant at the dependency rate, but only at the single rate.

Legal Principle(s)

Confirmative decisions/receivability *ratione materiae*: The reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to the statutory timelines, rather, the time starts to run from the date the original decision was made.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Kazazi

Entity

UNOG

Case Number(s)

UNDT/GVA/2014/50

Tribunal

UNDT

Registry

Geneva

Date of Judgement

24 Jun 2014

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Repatriation grant

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT RoP

- Article 9

UNDT Statute

- Article 2.1

Related Judgments and Orders

2010-UNAT-043

2010-UNAT-067

2010-UNAT-079

2011-UNAT-108

2011-UNAT-158

2012-UNAT-196

2012-UNAT-260

2013-UNAT-308

2013-UNAT-368

2014-UNAT-402