

# UNDT/2015/046, Belkhabbaz

## UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had missed the deadline to request management evaluation of the refusal to provide her with a badge; hence, her application was irreceivable *ratione materiae* in that respect. As for the denial of legal assistance, the Tribunal considered that in view of the exceptional circumstances of the case, which lies in the fact that the relationship between the Applicant and her former supervisors in the Office of the Administration of Justice, including the Chief, OSLA, had completely broken down, the refusal to grant assistance to the Applicant through OSLA could not be considered illegal. The Tribunal was of the view that in these circumstances no constructive and unbiased exchange between the Applicant—as a potential client—and OSLA—as potential counsel—is possible. The application was therefore rejected in its entirety.

## Decision Contested or Judgment/Order Appealed

The Applicant, a former Legal Officer at the Office of Staff Legal Assistance (OSLA) based in Geneva, challenged the refusal to provide her with an entry badge to the UN premises in New York, and the refusal to grant her legal assistance by OSLA.

## Legal Principle(s)

Irreceivability *ratione materiae*: The challenge before the Tribunal of a decision for which a request for management has been filed untimely is not receivable *ratione materiae*. Res judicata: The principle of res judicata does not apply to applications concerning new decisions, made in a different factual setting. OSLA assistance to UN staff members: There is no unconditional right for a UN staff member to be represented by OSLA, as OSLA has a certain discretionary power, although not unfettered, in choosing to represent or not staff members seeking its assistance.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Belkhabbaz

## Entity

OAJ

## Case Number(s)

UNDT/GVA/2014/71

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

9 Jun 2015

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Legal services (OSLA or other) and self-representation

Legal representation

## Applicable Law

Staff Rules

- Rule 11.2(c)

## Related Judgments and Orders

UNDT/2013/043

UNDT/2014/127

2014-UNAT-402

2015-UNAT-518

2012-UNAT-199

UNDT/2010/025