

UNDT/2016/003, Reid

UNAT Held or UNDT Pronouncements

Receivability: The Tribunal observed that there is a difference between a contested administrative decision and the grounds relied on to impugn the decision and noted that neither of the two issues remanded for the consideration of the Tribunal was included in the list of administrative decisions which the Applicant requested the MEU to review. The Tribunal concluded that although the Applicant raised the issue of the non-conversion of his temporary appointment to a fixed-term appointment, he did so as a ground for contesting the specified decisions. He did not identify this issue as a contested decision nor did he identify the date of the decision or the decision-maker either with the MEU or in his application to the Tribunal. Since he did not request management evaluation of the remanded issues, the Tribunal concluded that the claims remanded by UNAT are not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant filed four separate applications in January 2014 challenging the Administration's decisions that he was not entitled to accrual of annual leave at the rate of two and a half days per month and the same relocation and assignment grants as staff members on fixed-term appointments. In July 2014, the Tribunal found that none of the Applications were receivable. The Applicant appealed the UNDT judgments and UNAT remanded these two discrete issues for consideration by the Tribunal: the lawfulness of the Applicant's temporary appointment and whether his temporary appointment should have been converted to a fixed-term appointment.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Reid

Entity

UNSMIL

Case Number(s)

UNDT/NBI/2014/3/R1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

8 Jan 2016

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Annual leave

Relocation grant

Applicable Law

Administrative Instructions

- ST/AI/2010/4/Rev.1

UNDT Statute

- Article 8

Related Judgments and Orders

UNDT/2009/051

UNDT/2014/095

UNDT/2014/096

2010-UNAT-036

2010-UNAT-072

UNDT/2014/098

2010-UNAT-074

2011-UNAT-108

2015-UNAT-563