

# **UNDT/2016/023, Kisia**

## UNAT Held or UNDT Pronouncements

The Tribunal found that the application, even if it was diligently filed by the Applicant, was premature as the Applicant's reconsideration request was still pending before the Secretary-General.

## Decision Contested or Judgment/Order Appealed

The Applicant, a former Security Officer with DSS contested the Controller's decision, on the recommendation of ABCC, to deny his claims for damages in connection with his car colliding with a security barrier at UNHQ, New York.

## Legal Principle(s)

N/AA premature application. The Tribunal considers that, in light of the binding jurisprudence of Appeals Tribunal, it cannot interfere with the Secretary-General's discretion in the present pending matter and has no competence to legally review it before the final decision is taken by the Secretary-General. When a staff member himself /herself has initiated an administrative appeal, the Secretary-General, after following the required procedure, has the right to make a final administrative decision, based on the particular circumstances of each case, either changing entirely or in part the contested decision or upholding it based on the recommendations of the ABCC and the medical board's report.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Kisia

## Entity

DSS

## Case Number(s)

UNDT/NY/2015/46

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

16 Mar 2016

## Duty Judge

Judge Greceanu

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

### Staff Rules

- Appendix D