

UNDT/2016/036, Gallo

UNAT Held or UNDT Pronouncements

Not receivable *ratione materiae*. The contested decision in the present case is not a final decision but a preliminary step after the fact-finding panel has completed its investigation report. Therefore, the contested decision is not an administrative decision capable of being appealed before the Tribunal.

Decision Contested or Judgment/Order Appealed

The Applicant, a former Investigator at the P-4 level in the Investigations Division in OIOS, contests the decision taken by the then USG/OIOS to refer the investigation report of a fact-finding panel formed under to the then ASG/OHRM.

Legal Principle(s)

N/AAs established by the United Nations Appeals Tribunal, the Dispute Tribunal is competent to review *ex officio* its own competence or jurisdiction *ratione personae*, *ratione materiae*, and *ratione temporis* (Pellet 2010-UNAT-073; O'Neill 2011-UNAT-182; Gehr 2013-UNAT-313; Christensen 2013-UNAT-335). This competence can be exercised even if the parties do not raise the issue, because it constitutes a matter of law and the Statute prevents the Dispute Tribunal from considering cases that are not receivable.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gallo

Entity

OIOS

Case Number(s)

UNDT/NY/2015/13

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Apr 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

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Rules

- Rule 11.2
- Rule 11.4

UNDT RoP

- Article 35
- Article 7

UNDT Statute

- Article 2
- Article 8