

# UNDT/2016/045, King

## UNAT Held or UNDT Pronouncements

The Tribunal concluded that the Application is not receivable *ratione temporis* and *matrimae*. Administrative decision: The Applicant submitted that his two requests for management evaluation were challenging two separate decisions. The Tribunal found that the Applicant's second request for management evaluation sought review of the same decision that was conveyed to him on 3 September 2014 after he requested the Administration to assist him with obtaining a visa to the United States. Receivability *ratione temporis*: The Tribunal held that the time limits in art. 8(1)(d)(i) of the UNDT Statute began to run from 21 October 2014, the date of the Applicant's last submission to MEU concerning his first request for management evaluation. From that date the relevant response period of 45 days ended on 5 December 2014. As MEU did not respond within the response period of 45 days, the Applicant had 90 calendar days until 5 March 2015 to file his application with the Tribunal but he did not do so until 28 August 2015. The Tribunal concluded that the application was filed out of time and was not receivable on that basis. Receivability *ratione matrimae*: The Tribunal observed that the requirements for travel authorization and certification of service are provided for in staff rules 7.4 and 9.12, respectively. The Administration provided the Applicant with the travel authorization in 2014 and the certificate of service in August 2015. In light of the foregoing, the Tribunal concluded that any challenge to decisions relating to the travel authorization and certification of service is moot and not receivable.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged a decision concerning his repatriation. His first request for management evaluation was made in September 2014 with a final submission on 21 October 2014 and then he submitted a second request in July 2015.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

King

Entity

UNAMID

Case Number(s)

UNDT/NBI/2015/93

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

27 Apr 2016

Language of Judgment

English

Issuance Type

## Judgment

### Categories/Subcategories

Administrative decision

TEST -Rename- Benefits and entitlements-45

Home leave

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Applicable Law

Staff Rules

- Rule 7.4
- Rule 9.12

### UNDT Statute

- Article 8.1(c)
- Article 8.1(d)

### Related Judgments and Orders

2010-UNAT-079

2013-UNAT-345

2014-UNAT-457

2015-UNAT-539

2015-UNAT-516

2015-UNAT-557