

# UNDT/2016/054, Svedling

## UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant has neither submitted a request to the ASG/OHRM for exceptional grant of an ex gratia payment under staff rule 12.3(b) nor has he submitted a Management Evaluation Request in respect to the same. The Applicant has not complied with staff rule 11.2(a). As such, the Dispute Tribunal does not have jurisdiction *ratione materiae* under art. 8.1(c) of its Statute. SPA and ex gratia payments - The legal bases for the grant of SPA are set out in staff rule 3.10 and ST/AI/2003/3. The aforementioned rules do not provide a legal basis for the grant of an ex gratia payment. Whilst it is not in doubt that the Administration has the discretionary power to make such ex gratia payments, the two issues should not be confused. Exception to the staff rules and MER - The Applicant has neither submitted a request to the ASG/OHRM for exceptional grant of an ex gratia payment under staff rule 12.3(b) nor has he submitted an MER in respect to the same. The Applicant ought to pursue that course of action as he does not appear to be out of time to do so.

## Decision Contested or Judgment/Order Appealed

In his Application dated 21 March 2014, the Applicant contests the decision to refuse his application for an ex gratia payment in lieu of retroactive Special Post Allowance (SPA) from October 2012 to September 2013.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Svedling

## Entity

MINURSO

## Case Number(s)

UNDT/NBI/2015/43

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

5 May 2016

## Duty Judge

Judge Izuako

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Special Post Allowance

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

Administrative Instructions

- ST/AI/2003/3

Staff Rules

- Rule 12.3(b)

UNDT Statute

- Article 8.1(c)

## Related Judgments and Orders

UNDT/2015/013