

# **UNDT/2017/028, Fitsum**

## **UNAT Held or UNDT Pronouncements**

Pursuant to staff rule 3.17(ii), the Applicant was required to make a written claim to receive retroactive SPA “within one year following the date on which [she] would have been entitled to the initial payment”. This request should have been made within one year of 1 December 2009, that is, by or before 1 December 2010. However, it was only on 5 September 2011 that the Applicant wrote an interoffice memorandum requesting an extension of her SPA at the P-2 level from 1 December 2009 to the then-present time to account for the additional functions that she had been performing. The Applicant submitted the claim outside the statutory timeline and is clearly out of time. Section 7.3 requires that for SPA to be extended by the department or office without reference to the SPA panel, the supervisor must certify that the staff member continued to satisfactorily perform the full functions of the higher-level post. The evidence tendered to the Tribunal by the Applicant’s supervisors does not support the Applicant’s contentions that she was asked to perform higher level functions. The Applicant has not tendered any documentation nor is there any paper trail to justify such a claim and payment.

## **Decision Contested or Judgment/Order Appealed**

At the time of the application, the Applicant served as a Human Resources Officer at the United Nations Economic Commission for Africa (ECA) at the NOC-5 level. On 28 October 2014, she filed an application contesting a decision dated 16 April 2014 not to pay her a Special Post Allowance (SPA) for the period 1 December 2009 to 10 May 2011.

## **Legal Principle(s)**

N/A

## Outcome

Dismissed as not receivable

## Outcome Extra Text

The Applicant failed to comply with staff rule 3.17(ii) by failing to make a claim seeking retroactive payment of SPA in a timely manner. The application was refused as not receivable.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Fitsum

## Entity

ECA

## Case Number(s)

UNDT/NBI/2014/100

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

26 Apr 2017

## Duty Judge

Judge Izuako

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Special Post Allowance

## Applicable Law

Administrative Instructions

- ST/AI/1999/17

Staff Rules

- Rule 3.17(ii)

## Related Judgments and Orders

2017-UNAT-804