

# **UNDT/2017/042, Nchimbi**

## UNAT Held or UNDT Pronouncements

Receivability *ratione materiae*: The application is receivable *ratione materiae* if the applicant is contesting “an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment” (art. 2.1 of the Statute) and if the applicant previously submitted the contested administrative decision for management evaluation, where required (art. 8.1(c) of the Statute).

## Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of the International Criminal Tribunal for Rwanda (“ICTR”), contested the following decisions: (a) to withhold his final payments and the delay in submitting forms for his pension for over six months after checking out from ICTR on 31 December 2015; (b) to unlawfully deduct his final leave days; (c) not to provide him with a copy of the report of an investigation conducted against him; and (d) the failure of the Secretary- General and the Office of Internal Oversight Services to intervene in the matter. As the Applicant had failed to request management evaluation of decisions (b) to (d), the Tribunal found the related claims were not receivable. The Tribunal further found that a three months’ unlawful procedural delay had occurred in ICTR’s processing of the Applicant’s final payments and the submission of the required forms for his pension, and ordered the Respondent to pay USD1,500 in compensation to the Applicant.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

Only financial compensation

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Nchimbi

## Entity

ICTR

## Case Number(s)

UNDT/NY/2016/43

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

16 Jun 2017

## Duty Judge

Judge Greceanu

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

## Applicable Law

UNDT RoP

- Article 7.1
- Article 7.2
- Article 7.3

UNDT Statute

- Article 2.1
- Article 3.1(a)
- Article 8.1(b)
- Article 8.1(d)(i)–(iv)