

UNDT/2017/069, Castelli

UNAT Held or UNDT Pronouncements

The Tribunal carefully examined all the correspondence between the parties and was not persuaded by the Respondent's argument that the contested administrative decision was conclusively made and communicated to the Applicant on 28 June 2016. The Tribunal was of the view that the correspondence between the parties did not bear out the said argument and found that the Respondent had not apprised himself of all relevant facts on 28 June 2016 when he rejected the claim for an education grant and reimbursement of mother tongue tuition. In the prevailing circumstances, the Tribunal held that the contested administrative decision was conclusively made and communicated to the Applicant on 26 August 2016. The contested administrative decision was communicated to the Applicant on 26 August 2016. The Applicant had 60 days thereafter within which to request management evaluation. Thus, the Applicant had until 25 October 2016 to submit his management evaluation request. From the record, the Applicant requested management evaluation on 17 October 2016 and therefore did so on time. MEU wrote to the Applicant on 2 February 2017. Thereafter, the Applicant filed his application with the Tribunal on 25 April 2017. In accordance with art. 8.1(i)(a) of the Statute, the Applicant filed his submissions with the Tribunal within the stipulated guidelines.

Decision Contested or Judgment/Order Appealed

The Applicant sought to challenge the Respondent's decision to not to pay an education grant and reimbursement for mother tongue tuition expenses in respect of his son.

Legal Principle(s)

Pursuant to art. 8.1(i)(c) of the UNDT Statute and staff rule 11.2(c), for an application to be receivable, an applicant must first request management evaluation of the contested decision and the said request for management evaluation must be made within specified timelines.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The application was found receivable *ratione materiae* and *ratione temporis*.

Full judgment

[Full judgment](#)

Applicants/Appellants

Castelli

Entity

UNIFIL

Case Number(s)

UNDT/NBI/2017/040

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 Aug 2017

Duty Judge
Judge Izuako
Language of Judgment
English
French
Issuance Type
Judgment
Categories/Subcategories
Jurisdiction / receivability (UNDT or first instance)
Subject matter (ratione materiae)
Temporal (ratione temporis)
Management Evaluation
Applicable Law
UNDT Statute

- Article 2