

UNDT/2017/070/Corr.1, Sharifpour-Hicks

UNAT Held or UNDT Pronouncements

The Tribunal decided that the application was filed out of time and was not receivable. The Tribunal found that the application which was filed on behalf of the incapacitated Applicant by her spouse, ought to have been filed within one year of 8 October 2014, that is, by 8 October 2015. It was instead filed on 23 March 2016, way out of time.

Decision Contested or Judgment/Order Appealed

The application was filed by the Applicant's husband on her behalf contesting the decision of the Advisory Board on Compensation Claims (ABCC) to deny her compensation for loss of her capacity to earn.

Legal Principle(s)

Pursuant to art. 8.1(d)(ii) of the UNDT Statute, an application shall be receivable, in cases where a management evaluation is not required, within 90 calendar days after an applicant's receipt of the administrative decision. However, the stated deadline shall be extended to one year if the application is filed by any person making claims in the name of an incapacitated or deceased staff member of the United Nations Secretariat or separately administered United Nations funds and programmes.

Outcome

Dismissed as not receivable

Outcome Extra Text

The application was filed out of time.

Full judgment

[Full judgment](#)

Applicants/Appellants

Sharifpour-Hicks

Entity

UNOPS

Case Number(s)

UNDT/NBI/2016/022

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Nov 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Compensation

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT Statute

- Article 8.1(d)(ii)
- Article 8.1(d)(iii)