

UNDT/2019/085, Avramoski

UNAT Held or UNDT Pronouncements

UNDT held that the request for management evaluation was not time-barred. UNDT held that the rules and procedures applied to establish the Applicant's EOD date were due consequences of the fact that she had been reappointed in 2008. UNDT held that the choice of reappointment as modality of the Applicant's move was borne out by personnel actions of separation and reappointment and acknowledged by her in the memorandum of understanding with respect to annual leave from 2008. Accordingly, UNDT held that the matter was outside the temporal jurisdiction of UNDT. UNDT held that the EOD date as determined had had no unlawful impact on the Applicant's terms of appointment including all of her benefits and entitlements. UNDT held that the impugned decision was correct. UNDT dismissed the application.

Decision Contested or Judgment/Order Appealed

The Applicant contested the refusal by the Administration to correct her official records of service in Umoja to reflect her entry on duty (EOD) date as 28 February 2000 instead of 2 September 2008.

Legal Principle(s)

Data input in the human resources management system may, in certain circumstances, become the expression of an administrative decision. To be reviewable, an administrative decision must produce direct legal consequences affecting a staff member's terms or conditions of appointment. What constitutes an administrative decision will depend on the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision. An administrative decision must have a direct impact and not be only a prefatory act for subsequent decisions. A staff member may have a legal interest in

having a data entry corrected. Benefits which may be negatively affecting as a result of an incorrect entry on duty (EOD) date include: eligibility for continuing appointment, accrual of various entitlements, regime determining retirement age and access to after service health insurance.

Outcome

Dismissed on merits

Outcome Extra Text

UNDT held that the matter was outside the temporal jurisdiction of UNDT.

Full judgment

[Full judgment](#)

Applicants/Appellants

Avramoski

Entity

MINUSCA

Case Number(s)

UNDT/NBI/2018/102

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

16 May 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Appointment (type)

Continuing appointment

TEST -Rename- Benefits and entitlements-45

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Administrative Instructions

- ST/AI/2013/1

Other UN issuances (guidelines, policies etc.)

- On-boarding of Staff for UN peace operations Standard Operating Procedure

Staff Rules

- Rule 104.3(a)
- Rule 104.3(b)