

# **UNDT/2019/167, Awwad**

## **UNAT Held or UNDT Pronouncements**

As MSD is a technical body, the Applicant was required under staff rule 11.2(b) to submit his application against the ABCC's decision directly to the UNDT without first having recourse to MEU for review.; On the basis of the Applicant's own admission that no decision has been made in relation to his claim for the injuries to his legs and considering the relevant statutory provisions and jurisprudence, the claim against the SecretaryGeneral under this head must be dismissed on the ground that it is premature.

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

The core functions of MSD are to advise on, inter alia, medico-administrative matters, including medical aspects of the provision of medical advice to the ABCC. Professional staff members in MSD with medical qualifications are responsible for providing; medical advice on claims under Appendix D. As such, MSD acts as a technical body in providing medical advice on claims under Appendix D.

## **Legal Principle(s)**

The core functions of MSD are to advise on, inter alia, medico-administrative matters, including medical aspects of the provision of medical advice to the ABCC.; The core functions of MSD are to advise on, inter alia, medico-administrative matters, including medical aspects of the provision of medical advice to the ABCC. Professional staff members in MSD with medical qualifications are responsible for providing medical advice on claims under Appendix D. As such, MSD acts as a technical body in providing medical advice on claims under Appendix D.; Time limits are meant to be adhered to strictly unless the rules provide for exceptions.; The Tribunal's competence is restricted to making a determination on an application that has been properly and regularly brought before it.; The key element in the UNDT's

jurisdiction is that there must be an administrative decision to appeal against. In the absence of an administrative decision no appeal can lie to the UNDT.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Awwad

## Entity

UNMIS

## Case Number(s)

UNDT/NBI/2018/058

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

22 Nov 2019

## Duty Judge

Judge Sikwese

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Jurisdiction / receivability (UNDT or first instance)

## Applicable Law

Secretary-General's bulletins

- ST/SGB/2011/4

Staff Rules

- Rule 11.2(b)
- Rule 11.4(b)

## Related Judgments and Orders

2012-UNAT-275

2010-UNAT-043