# UNDT/2020/200, Aslam

UNAT Held or UNDT Pronouncements

UNDT held that the application was receivable ratione materiae under Staff Rule 11.2(c) and Article 81.(c) of the UNDT Statute. The Applicant submitted and Appendix D claim on 4 December 2019 and a decision was made and communicated to him on 10 December 2019. He submitted that decision for management evaluation in accordance with Staff Rule 11.2(c) and Article 8.1(c) of the UNDT Statute. UNDT held that the 6 June 2019 email, in which the Advisory Board on Compensation Claims (ABCC) thanked the Applicant for bringing a matter to its attention, was not in response to a compensation claim by the Applicant and did not therefore constitute a decision to reject his claim for compensation. The Applicant was correct in not submitting it for management evaluation. UNDT held that the Application was not moot. UNDT held that the Application involved a live issue upon which it was competent to pass judgment, given that the ABCC on all occasions only considered the issue of receivability and not the merits of the Applicant's claim.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the Respondent's decision to reject as time-barred his claim for compensation under Appendix D of the United Nations Staff Rules and Regulations. This decision was made by the Claims and Entitlements team at the Kuwait Joint Support Office (KJSO).

Outcome
Judgment entered for Applicant in full or in part
Full judgment
[Full judgment](#)
Applicants/Appellants
Aslam
Entity
UNAMID
Case Number(s)
UNDT/NBI/2020/24
Tribunal
UNDT
Registry
Nairobi
Date of Judgement
3 Dec 2020
Duty Judge
Judge Tibulya
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Administrative decision
Jurisdiction / receivability (UNDT or first instance)
Management Evaluation
Subject matter (ratione materiae)
Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT Statute

- Article 10.4
- Article 10.5(b)
- Article 8.1(c)