# **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)