

UNDT/2021/112, Wenz

UNAT Held or UNDT Pronouncements

The contested decision having been rescinded by the Administration was, therefore, not a final administrative decision capable of review by this Tribunal, which, consequently, can make no pronouncement as to its legality or as to any effects it may have caused. The Applicant's claim that the rescission of the contested decision constitutes an admission of its unlawfulness is without merit. The Application is therefore not receivable *ratione materiae*. The Tribunal notes that in this case, the Applicant does not claim any abuse of the current proceedings, nor does the Tribunal observe any such abuse. Moreover, the Tribunal recalls that the engagement of private counsel is not required for an applicant to file a case before it. The Applicant's request for cost under art. 10.6 of the Tribunal's Statute is therefore rejected.

Decision Contested or Judgment/Order Appealed

The Advisory Board on Compensation Claims' "refusal to award compensation and UNICEF's endorsement of that decision".

Legal Principle(s)

The Dispute Tribunal lacks jurisdiction to review an administrative decision that has been rescinded by the Administration before an application has been filed. The Administration is not obligated to respond to requests for management evaluation and that the Management Evaluation Unit's ("MEU") responses to requests for management evaluation do not constitute reviewable administrative decisions within the scope of art. 8 of the Tribunal's Statute. Cost under art. 10.6 of the Tribunal's Statute may only be awarded in case of manifest abuse of the proceedings.

Outcome

Dismissed as not receivable

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Wenz

Entity

UNICEF

Case Number(s)

UNDT/NY/2021/3

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Sep 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Compensation for injury, illness or death attributable to service (Appendix D to Staff Rules)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 10.6
- Article 8

Related Judgments and Orders

2017-UNAT-763

2016-UNAT-661

2017-UNAT-803