

UNDT/2021/113, Hassan

UNAT Held or UNDT Pronouncements

The Tribunal recalled that a former staff member has access to the Dispute Tribunal only in respect of an administrative decision affecting the terms of his or her former appointment or contract. In the present case, the Tribunal found that the application was not receivable *ratione personae* because at the date of filing the application, the Applicant was not a staff member and the contested decision did not breach the terms of his former appointment or contract of employment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the UNHCR's decision to not select him to the position of Resettlement Associate, at the G-6 level.

Legal Principle(s)

According to the jurisprudence of the Tribunal, a former staff member has standing to contest an administrative decision concerning him or her if the facts giving rise to his or her complaint arose, partly arose or flowed from his or her employment. For a matter to be receivable, there must be a sufficient nexus between the former employment and the impugned action.

Outcome

Dismissed as not receivable

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Hassan

Entity

UNHCR

Case Number(s)

UNDT/NBI/2021/6

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Sep 2021

Duty Judge

Judge Hunter Jr.

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Applicable Law

UNDT Statute

Related Judgments and Orders

2013-UNAT-335

2017-UNAT-727