

UNDT/2021/128, RUSSO-GOT

UNAT Held or UNDT Pronouncements

The Applicant did not appeal a final administrative decision carrying direct legal effects. The application was therefore not receivable *ratione materiae*. The contested decisions had no nexus with the Applicant's former employment with the Organization, the application was therefore not receivable *ratione personae*.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the following alleged decisions: “UNOPS administrative decision to blacklisted [sic.] me for any opportunity with the United Nation common system and slander my reputation and professional image in a formal or informal mode (UNOPS shared with others in a formal or informal mode an erroneous [Internal Audit Investigation Group (“IAIG”)] report and/or conclusions); I contest contents, procedures and outcome of the UNOPS [IAIG] investigation [...], and violation of my human rights.”

Legal Principle(s)

An appealable administrative decision under sec. 2.1(a) of the Dispute Tribunal’s Statute is a unilateral decision of an administrative nature taken by the administration involving the exercise of a power or the performance of a function in terms of a statutory instrument, which adversely affects the rights of another and produces direct legal consequences. Steps that are preliminary in nature may only be challenged in the context of an appeal against a final decision of the Administration that has direct legal consequences. 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. 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

RUSSO-GOT

Entity

UNOPS

Case Number(s)

UNDT/NY/2021/22

Tribunal

UNDT

Registry

New York

Date of Judgement

4 Nov 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Subject matter (ratione materiae)

Applicable Law

Staff Rules

- Rule 11.2(a)

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2018-UNAT-840

2015-UNAT-509

2011-UNAT-148