

2010-UNAT-058, Andati-Amwayi

UNAT Held or UNDT Pronouncements

UNAT considered whether the impugned decision was a contestable administrative decision. UNAT noted that what constitutes an administrative decision will depend on the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision. UNAT held that the requirement for UN Office at Nairobi (UNON) staff members to possess MIP cards or a Grounds Pass in order to access medical services on credit was for the overall effective administration of the Organisation's staff medical insurance plan. UNAT held that this requirement was of general application to all staff and could not be deemed to affect the terms of appointment or contract of employment of any one staff member. UNAT held that the Appellant did not provide any cogent arguments to demonstrate that the administrative instructions infringed the terms of his appointment or his contract of employment. UNAT concurred with UNDT that there was no administrative decision within the meaning of Article 2 of the UNDT Statute. UNAT also affirmed the award of costs against the Appellant for abuse of process. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant requested a review of the decision to instruct hospitals in Kenya not to provide any medical services to any staff member who produced an expired Medical Insurance Plan (MIP) card and Grounds Pass. UNDT held that there was no administrative decision taken by the administration within the meaning of Article 2 of the UNDT Statute. UNDT rejected the application and ordered the Applicant to pay costs, having found that he made abuse of process of the Tribunal.

Legal Principle(s)

What constitutes an administrative decision will depend on the nature of the decision, the legal framework under which the decision was made, and the consequences of the decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Andati-Amwayi

Entity

UN-Habitat

Case Number(s)

2010-064

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Administrative decision

Definition

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2010/010