

# **2011-UNAT-171, Ghahremani**

## **UNAT Held or UNDT Pronouncements**

UNAT considered appeals of judgment Nos. UNDT/2010/075 and UNDT/2010/076. On the issue of being barred from the UNOV premises, UNAT noted that UNDT has jurisdiction over applications filed by a staff member, former staff member or a person making claims in the name of an incapacitated or deceased staff member. However, given that the Appellant was not a staff member at the time he was barred, UNAT held that he could not complain that the decision was not in compliance with his terms of appointment or contract of employment. UNAT held that, as a holder of an SSA contract, the Appellant was no longer on that date subject to the Staff Regulations and Rules and the barring could not have adversely affected his terms of appointment as a former staff member. UNAT held that UNDT correctly rejected the application as not receivable *ratione personae*. On the issue of access to documents, UNAT held that while the Appellant, as a former staff member, was entitled to have access to his files that correspond to the period of his former employment with UNOV, since the reasons for gaining access related to a decision which had no bearing on his status as a former staff member, UNDT correctly held that the application was not receivable. UNAT dismissed the appeals and affirmed both UNDT judgments.

## **Decision Contested or Judgment/Order Appealed**

The Applicant, a holder of a Special Service Agreement (SSA), contested the decision to bar him from entering the United Nations Office in Vienna (UNOV) premises and the decision to deny his counsel's access to his Official Status File and other documents relating to the decision to bar him from the premises. UNDT dismissed both applications as not receivable.

## **Legal Principle(s)**

UNDT has jurisdiction over applications filed by a staff member, former staff member or a person making claims in the name of an incapacitated or deceased staff member with respect to an administrative decision that is alleged to be in noncompliance with their terms of appointment or the contract of employment.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ghahremani

## Entity

UNOV

## Case Number(s)

2010-169

2010-170

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

21 Oct 2011

## President Judge

Judge Adinyira

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Subject matter (ratione materiae)

## Applicable Law

UNDT Statute

- Article 2.1
- Article 3

## Related Judgments and Orders

UNDT/2010/075

UNDT/2010/076

2011-UNAT-154