

# 2013-UNAT-314, Mpacko

## UNAT Held or UNDT Pronouncements

UNAT held that Ms Mpacko's claims addressed the merits of the UNDT decision and did not amount to claims that the UNDT exceeded its competence or jurisdiction in denying her application for suspension of action. UNAT held that UNDT did not exceed its competence or jurisdiction in denying Ms Mpacko's application for suspension of action. UNAT held that the appeal was not receivable.

## Decision Contested or Judgment/Order Appealed

Ms Mpacko filed an application for suspension of action of the decision to reassign her. UNDT denied her application for suspension of action pending management evaluation of the decision on the grounds that there was no particular urgency as required by Article 2. 2 of the UNDT Statute.

## Legal Principle(s)

Generally, only appeals against final judgments are receivable; however, when it is clear that UNDT has exceeded its jurisdiction or competence, an interlocutory appeal will be receivable.

## Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Mpacko

Entity

MINUSTAH

Case Number(s)

2012-354

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Receivability

Jurisdiction / receivability (UNAT)

Interlocutory appeal

Suspension of action / interim measures

Applicable Law

## UNAT Statute

- Article 2.5
- Article 8.3

## UNDT Statute

- Article 2.2

## Related Judgments and Orders

UNDT/2012/081

2012-UNAT-253