

2014-UNAT-405, Obino

UNAT Held or UNDT Pronouncements

UNAT held that UNDT had correctly concluded that the Appellant had failed to identify an administrative decision capable of being reviewed and to meet his statutory burden of proving non-compliance with the terms of his appointment or his contract of employment. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Secretary-General to implement a decision by the Chairman of the International Civil Service Commission (ICSC) to reclassify the Addis Ababa and the Nairobi duty stations. UNDT considered the case on paper, declining to hold oral proceedings. UNDT found that the application was not receivable since it did not challenge an appealable administrative decision.

Legal Principle(s)

In terms of appointments, promotions, and disciplinary measures, it is straightforward to determine what constitutes a contestable administrative decision as the decisions that have a direct impact on the terms of appointment or contract of employment of the individual staff member. Administrative decisions might be of general application seeking to promote the efficient implementation of administrative objectives, policies, and goals and, although the implementation of the decision might impose some requirements for a staff member to exercise his or her rights, the decision does not necessarily affect his or her terms of appointment or contract of employment. 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

Obino

Entity

ECA

Case Number(s)

2013-455

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Apr 2014

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

UNDT Statute

- Article 2

Related Judgments and Orders

UNDT/2013/008

2010-UNAT-058