

2014-UNAT-481, Lee

UNAT Held or UNDT Pronouncements

UNAT considered appeals of Order Nos. 182 (GVA/2013), 183 (GVA/2013), and 199 (GVA/2013), and Summary judgment No. UNDT/2013/147. As a preliminary matter, UNAT denied the Appellant's requests for oral proceedings, confidentiality, to file additional proceedings, to file additional documentary evidence, and to order production of documents. With respect to Orders Nos. 182, 183 and 199, UNAT found that UNDT did not exceed its competence or jurisdiction in issuing these orders and in denying the Appellant's applications to suspend action. UNAT held that the appeals of these Orders were not receivable *ratione materiae*. With respect to the judgment, UNAT held that UNDT correctly concluded that the Appellant's application was not receivable *ratione materiae* because it challenged a decision that was not an administrative decision subject to review. UNAT recalled that an administrative decision must have a direct impact on a staff member's terms and conditions of appointment, rather than a future injury. UNAT dismissed the appeals of the judgment and the Orders and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment and orders: The Applicant filed two motions to suspend the General Assembly from making a decision to abolish her post while her second request for management evaluation was pending. UNDT rejected both motions, holding that they were non-receivable.

Legal Principle(s)

Appeals for a suspension of action will only be receivable if UNDT exceeded its competence or jurisdiction. The key characteristic of an administrative decision subject to judicial review is that the decision must produce direct legal consequences affecting a staff member's terms and conditions of appointment,

rather than a future injury.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Lee

Entity

DM

Case Number(s)

2014-555

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2014

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

Suspension of action / interim measures

Receivability

Applicable Law

UNDT RoP

- Article 9

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2013/147

2010-UNAT-097

2012-UNAT-236

2010-UNAT-058

2014-UNAT-404

2013-UNAT-304

2013-UNAT-300

2013-UNAT-330

2010-UNAT-005

2010-UNAT-008

2010-UNAT-011

2013-UNAT-314

2011-UNAT-160

2013-UNAT-335

