

2015-UNAT-557, Kazazi

UNAT Held or UNDT Pronouncements

As a preliminary matter, UNAT denied the Appellant's application for confidentiality. UNAT rejected the Appellant's contention that the Senior Human Resources Officer did not have the appropriate authority to take the contested decision and that such power lay only with the Director of Administration. UNAT held, in agreement with UNDT, that the e-mail from the Senior Human Resources Officer conveyed a clear and definite administrative decision with direct legal consequences for the Appellant. UNAT held, in agreement with UNDT, that the subsequent response from the Director of Administration did not reset the deadline for challenging the contested administrative decision insofar as it merely confirmed the earlier decision. UNAT held that the wording of the Director of Administration's letter had no impact on the deadline to file a timely request for management evaluation. UNAT held that UNDT correctly found that the application was not receivable *ratione materiae*. UNAT held that the Appellant had no legal or factual basis for advancing the proposition that UNDT had deprived itself of the explanations and assistance of the parties to the case and deprived him of an opportunity to present his case and be heard. UNAT held that summary judgment is an appropriate tool to deal with issues of receivability, which is a matter of law and not fact and that UNDT correctly applied Article 9 of the UNDT Rules of Procedure when it elected to issue a summary judgment. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision that he was not entitled to a repatriation grant at the dependency rate upon his separation from the Organisation. UNDT found, in the absence of a timely request for management evaluation, the application was not receivable *ratione materiae*.

Legal Principle(s)

Personal embarrassment and discomfort are not sufficient grounds to grant confidentiality. The reiteration of an original administrative decision, if repeatedly questioned by a staff member, does not reset the clock with respect to statutory timelines; rather the time starts to run from the date upon which the original decision was made. Staff members have to ensure that they are aware of the Staff Regulations and Rules and the applicable procedures in the context of the administration of justice in the UN internal justice system; ignorance of the law is no excuse for missing deadlines.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kazazi

Entity

UNOG

Case Number(s)

2014-643

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Jul 2015

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Staff Rules

- Rule 11.2(c)

UNAT Statute

- Article 10.9

UNDT RoP

- Article 9

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2014/071

2013-UNAT-335

2014-UNAT-406

2014-UNAT-481

2013-UNAT-304
2013-UNAT-299
2013-UNAT-300
2015-UNAT-521
2011-UNAT-118
2012-UNAT-218
2014-UNAT-470
2015-UNAT-495
2013-UNAT-331
2010-UNAT-067
2014-UNAT-432
2012-UNAT-273
2010-UNAT-079
2015-UNAT-516
2011-UNAT-184
2014-UNAT-472
2012-UNAT-275
2013-UNAT-385
2010-UNAT-058
2013-UNAT-296
2015-UNAT-499
2014-UNAT-456