

2015-UNAT-584, Gebremariam

UNAT Held or UNDT Pronouncements

UNAT refused the Appellant's motion to file additional pleadings, noting that the new evidence related to matters falling outside the scope of his application to UNDT. UNAT held that UNDT erred in finding that the only legal issue arising for determination was whether the Appellant was entitled to compensation for moral damages as a result of the issuance of the reprimand. UNAT held that since the Administration had rescinded the impugned decision even before the Appellant had filed his UNDT application, and by corollary should then have removed the written reprimand and all reference to it from the Appellant's Official Status File, as rescission implies, it thereby rendered the claim before UNDT moot. UNAT held there was thus no administrative decision on which UNDT was competent to pass judgment, including the issue of compensation. UNAT held that UNDT should have ruled that the application was not receivable. UNAT held that UNDT exceeded its jurisdiction in accepting the application and considering whether compensation was payable. UNAT dismissed the appeal and vacated the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the imposition of a reprimand. Noting that the reprimand had already been rescinded, UNDT considered only the issue of compensation. UNDT dismissed the application.

Legal Principle(s)

An appealable decision is one that has a direct impact and produces direct legal consequences on a staff member affecting his or her terms of appointment or contract of employment.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Gebremariam

Entity

ECA

Case Number(s)

2014-679

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 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

UNAT Statute

- Article 2.1
- Article 2.1(a)

UNDT Statute

- Article 8

Related Judgments and Orders

UNDT/2014/136

2015-UNAT-547

2014-UNAT-458

2010-UNAT-051

2013-UNAT-377

2013-UNAT-284

2015-UNAT-557

2014-UNAT-481

2010-UNAT-058

2015-UNAT-509

2015-UNAT-565

2014-UNAT-412

2013-UNAT-328

2012-UNAT-208