

2015-UNAT-588, Awan

UNAT Held or UNDT Pronouncements

UNAT held that it could find no fault with the UNDT's conclusion that the application was not receivable *ratione materiae*, which accorded with UNAT's jurisprudence. UNAT held that, since that ground was sufficient to affirm the UNDT judgment and to dismiss the appeal, there was no need for it to determine whether the application before UNDT challenged a specific implied administrative decision on the part of UNICEF or whether the Appellant was merely making general complaints about UNICEF's failure to protect him. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNICEF's alleged failure in its obligations "to provide safety and protection to the functional immunity" of staff members. UNDT rejected the application as not receivable *ratione materiae*.

Legal Principle(s)

For an implied administrative decision, the date of notification is the date upon which the staff member knew or reasonably should have known of the decision he or she contests.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Awan

Entity

UNICEF

Case Number(s)

2014-685

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

President Judge

Judge Chapman

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)

Related Judgments and Orders

UNDT/2014/126

2015-UNAT-568

2015-UNAT-557

2012-UNAT-273

2014-UNAT-406

2015-UNAT-566

2014-UNAT-473