

2016-UNAT-620, Seyfollahzadeh

UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing finding that it would not assist in the expeditious and fair disposal of the case. UNAT held that the evidence showed that UNDT had correctly found that the administrative decision denying ASHI/MIP to the Appellant was communicated to her in an e-mail of 1 May 2014. UNAT agreed with UNDT that the e-mail of 27 May 2014 “did not refer to any new fact or information” and was “a mere confirmation of the earlier and unambiguous decision of 1 May 2014”. UNAT held that UNDT had not erred in law or fact resulting in a manifestly unreasonable decision when it determined that the Appellant received the administrative decision denying her MIP, making her request for management evaluation untimely. UNAT held that UNDT did not err in law when it concluded that the other claims were not receivable *ratione materiae*. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions 1) to separate her from service; 2) that she was not eligible for After Service Healthcare (ASHI/MPI), and 3) that did not allow her the benefits of the UN Joint Staff Pension Fund. UNDT found that the application was not receivable *ratione materiae* since the Applicant had only filed a request for management evaluation regarding the eligibility for ASHI/MIP. UNDT further found that the Applicant had filed the request untimely. UNDT dismissed the application in its entirety as not receivable.

Legal Principle(s)

UNDT has jurisdiction to receive applications appealing administrative decisions only if the applicant has “previously submitted the contested administrative decision for managerial evaluation, where required”; management evaluation or review is to

correct any errors in an administrative decision so that judicial review of the administrative decision is not necessary.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Seyfollahzadeh

Entity

UNDP

Case Number(s)

2015-723

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (ratione materiae)

Applicable Law

Staff Rules

- Rule 11.2(c)

UNAT RoP

- Article 18.1

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2015/037

2013-UNAT-311

2015-UNAT-595

2014-UNAT-417

2015-UNAT-557

2014-UNAT-402