

2018-UNAT-823, Ngoga

UNAT Held or UNDT Pronouncements

UNAT held that UNDT's finding that the application contesting the decision to recover overpayments was not receivable *ratione temporis* was correct since the Appellant waited nearly two years until filing his application to the UNDT, which was clearly outside the time limit. UNAT agreed with UNDT that the Appellant's application against the decision to reject retroactive payment of dependency allowance for his adopted children was not receivable *ratione materiae* because the Appellant failed to request management evaluation within the time limits provided in Staff Rule 11. 2. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions: 1) to recover overpayments made in connection with the Applicant's failure to report a change in his wife's dependency status, and 2) to deny his request for retroactive dependent child benefits. UNDT dismissed the application as non-receivable.

Legal Principle(s)

A request for mediation assistance to the Ombudsman's Office cannot extend the time limit for seeking management evaluation when the 60-day statutory time limit already lapsed.

Outcome

Appeal dismissed on merits

Outcome Extra Text

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Full judgment

[Full judgment](#)

Applicants/Appellants

Ngoga

Entity

UNMISS

Case Number(s)

2017-1112

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Temporal (ratione temporis)

Applicable Law

Administrative Instructions

- ST/AI/2011/5

Staff Rules

- Rule 11.2(c)

UNDT RoP

- Article 16.1

UNDT Statute

- Article 2.1
- Article 8.1
- Article 8.3

Related Judgments and Orders

UNDT/2017/056