

# 2020-UNAT-1002, Massi

## UNAT Held or UNDT Pronouncements

UNAT dismissed the Appellant's motion to file an additional pleading in the absence of any exceptional circumstances warranting it. UNAT held that the Appellant failed to seek leave from UNAT to introduce additional evidence and neither adduced evidence that exceptional circumstances warranted it nor that it would serve the interests of justice or the efficient and expeditious resolution of the appeal. On the issue of execution of the 2016 UNDT judgment, UNAT held that there was no evidence that any of the orders contained therein were not executed and therefore the application was not receivable as a request for execution. UNAT held that the 2019 letter was a mere reiteration of the administrative decision taken in 2015. UNAT held that the appeal was not receivable. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested a 2019 letter he received from the Administration indicating that payments for compensation awarded to him under Appendix D of the Staff Rules would cease upon his retirement at the age of 62. UNDT held that the application was not receivable on grounds that the 2019 letter was a mere reiteration of an administrative decision taken in 2015 for which the staff member had not first filed a management evaluation request. In addition, though the staff member had sought execution of a previous 2016 UNDT judgment, he did not indicate which operable part of that judgment had not been executed. UNDT dismissed the application.

## Legal Principle(s)

Except in cases concerning enforcement of a settlement agreement, documents prepared for and oral statements made during any informal conflict resolution

process or mediation are absolutely privileged and confidential and should never be disclosed to UNAT. The absence of a response to a staff member's request may constitute an implied administrative decision, however, the absence of a decision without direct legal consequences is not an implied decision subject to judicial review. A motion to file an additional pleading may be granted by UNAT if there are exceptional circumstances justifying the motion. UNDT has no jurisdiction to waive the deadlines for management evaluation.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Massi

## Entity

UNOG

## Case Number(s)

2019-1316

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Mar 2020

## President Judge

Judge Murphy

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Compensation for injury, illness or death attributable to service (Appendix D to Staff Rules)

Jurisdiction / receivability (UNDT or first instance)

## Applicable Law

### Administrative Instructions

- ST/AI/2018/7

### Staff Rules

- Appendix D
- Rule 11.2(a)
- Rule 11.2(b)

### UNAT Statute

- Article 2.5

### UNDT Statute

- Article 11.3
- Article 12.4
- Article 8.1(c)

- Article 8.3

## Related Judgments and Orders

UNDT/2019/138

2013-UNAT-293

2018-UNAT-824