

# 2020-UNAT-990, Mpacko

## UNAT Held or UNDT Pronouncements

As a preliminary matter, UNAT considered the Appellant's daughters applications for intervention which argued that they had been deprived of their right to education due to their mother's arbitrary separation from service, as their mother lost her only main source of income, including the education grant, and could not support their education. UNAT held that, pursuant to Article 3(1) of the UNDT Statute, the daughters did not fall within the categories of persons who had the standing to intervene, and denied the applications for intervention. On the merits, UNAT held that the Appellant failed to establish that UNDT erred in finding that she had been informed of her separation for abandonment of post and that her claim was time-barred. UNAT noted that there was no legal requirement for the Administration to use registered mail to notify a staff member of separation from service for abandonment of post. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to separate her from service for abandonment of post. Noting that the Applicant had filed an application contesting a decision that had become effective more than three years before, UNDT rejected the application on grounds that it was not receivable.

## Legal Principle(s)

UNDT cannot waive the time limit to file an appeal more than three years after the applicant's receipt of the contested administrative decision.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Mpacko

## Entity

MINUSTAH

## Case Number(s)

2019-1294

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

27 Mar 2020

## President Judge

Judge Neven

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Separation from service

Abandonment of post

## Applicable Law

Administrative Instructions

- ST/AI/400

UNAT RoP

- Article 16
- Article 31.1

UNAT Statute

- Article 2.5
- Article 6.2

UNDT Statute

- Article 3.1

## Related Judgments and Orders

UNDT/2019/096

2017-UNAT-727

2013-UNAT-389

2012-UNAT-268

2010-UNAT-044

2010-UNAT-035