

2021-UNAT-1164, Nshuti

Rugerinyange

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by Mr. Rugerinyange. UNAT noted that Mr. Rugerinyange sought to challenge an administrative decision directly affecting the terms of his new contract as an individual contractor. Therefore, even if the administrative decision of placing him on administrative leave with pay referred to facts which had occurred while he was still a staff member, as he claimed, it affected the new contract and his new capacity as an independent contractor. As such, he had no legal standing before the UNDT. Accordingly, UNAT dismissed the appeal and affirmed the UNDT Order.

Decision Contested or Judgment/Order Appealed

In Order No. 198 (NBI/2020), the UNDT dismissed Mr. Rugerinyange's application for suspension of action pending management evaluation against the Secretary-General's decision to place him on administrative leave with pay during an investigation for possible misconduct. While the UNDT acknowledged that Mr. Rugerinyange had previously been a staff member, the UNDT found that the provisions of Article 3(1)(b) of the UNDT Statute did not apply to the present case, since the issue under consideration did not derive from possible violations of his terms of appointment, but rather from the Secretary-General's decision to place him on administrative leave with pay when his status was no longer that of a staff member, but rather that of an individual contractor. The UNDT held that Mr. Rugerinyange's application for suspension of action was not receivable *ratione personae* and dismissed it in its entirety.

Legal Principle(s)

Individual contractors do not have standing before the UNDT. A former staff member has standing before the UNDT only with respect to administrative decisions that affect his or her terms of appointment of his or her former appointment.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Nshuti Rugerinyange

Entity

UNOPS

Case Number(s)

2020-1479

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2021

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Applicable Law

UNDT Statute

- Article 3.1(b)

Related Judgments and Orders

2013-UNAT-292