

UNDT/2022/046, Barber

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant never made any appeal or request to the ABCC for reconsideration of the impugned decision in accordance with art. 17(a) of former Appendix D and that the application was therefore not receivable *ratione materiae* on that count. The Tribunal concluded that since the 6 February 2019 email was not an appeal/request for reconsideration of the Respondent's decision, the only contestable decision was one dated 15 January 2019. The Applicant had 30 days to contest that decision by filing a request for reconsideration pursuant to art. 17(a) of former Appendix D but if he sought to contest the 15 January 2019 decision, the application was manifestly not receivable *ratione temporis*. It was filed outside the time limits of art. 8(1)(d) of the UNDT Statute and staff rules 11.2 and 11.4, whether or not management evaluation was required.

Decision Contested or Judgment/Order Appealed

The Applicant was seeking the rescission of the implied administrative decision taken by the Advisory Board on Compensation Claims ("ABCC") not to process his review filed pursuant to art. 17 of former Appendix D to the Staff Rules (Rules Governing Compensation in the Event of Death, Injury or Illness Attributable to the Performance of Official Duties on Behalf of the United Nations).

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Barber

Entity

UNSOS

Case Number(s)

UNDT/NBI/2021/101

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

18 May 2022

Duty Judge

Judge Tibulya

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)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

Staff Rules

- Rule 11.2
- Rule 11.4

UNDT Statute

- Article 8.1(d)(i)