

UNDT/2022/078, Yodjeu Ntemde

UNAT Held or UNDT Pronouncements

The Tribunal finds that the Applicant does not meet the criteria which would entitle him to seek recourse within the internal justice system. From the documents before the Tribunal follows that the Applicant is not a United Nations staff member. The Applicant's submissions do not establish that an offer of employment had been issued and the Applicant does not provide any evidence that he is entitled to contract-based rights with a view to employment as a staff member within the Organization. The Administration did not undertake to conclude a contract for the recruitment of the Applicant as a staff member and can therefore not be regarded as having extended to him the protection of its administration of justice system. When closely perusing the application and the Applicant's 10 August 2022 submission in response to Order No. 074 (NY/2022), the Tribunal is unable to identify what decision the Applicant wishes to challenge.

Decision Contested or Judgment/Order Appealed

Not possible to identify based on the application.

Legal Principle(s)

It is trite law that the Tribunal may examine its own jurisdiction on its own initiative (see, for instance, the Appeals Tribunal in O'Neill 2011-UNAT-182 and Barud 2020-UNAT-998). The Tribunal notes that pursuant to art. 3.1 of the Dispute Tribunal's Statute, access to the Tribunal is limited to staff members and, under certain conditions, former staff members and persons making claims in the name of an incapacitated or deceased staff member. Staff regulation 4.1 provides that a person only becomes a United Nations staff member after they are issued a letter of appointment. However, it is jurisprudentially established that, under certain circumstances, a person who has not yet been issued a letter of appointment is entitled to seek recourse within the internal justice system, provided that he/she satisfied all the conditions of an offer of appointment (Gabaldon 2011-UNAT-120). Under the consistent jurisprudence of the Appeals Tribunal, an applicant to is identify the impugned administrative decision with sufficient precision to enable the Dispute Tribunal to review it (see, for instance, Planas 2010-UNAT-049 and Haydar 2018-UNAT-821). The Appeals Tribunal, however, has held that with self-represented applicants, it will "take a generous approach and examine those allegations, which can be interpreted as falling into the scope of Article 2(1) of the Appeals Tribunal Statute".

Outcome

Dismissed as not receivable

Outcome Extra Text

The application is rejected as not receivable.

Full judgment

[Full judgment](#)

Applicants/Appellants

Yodjeu Ntemde

Entity

UNS

Case Number(s)

UNDT/NY/2022/040

Tribunal

UNDT

Registry

New York

Date of Judgement

7 Sep 2022

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Personal (ratione personae)

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Regulations

- Regulation 4.1

UNAT Statute

- Article 2.1

UNDT Statute

- Article 3.1

Related Judgments and Orders

2011-UNAT-120

2010-UNAT-049

2018-UNAT-821

2011-UNAT-182

2020-UNAT-998