

# UNDT/2022/100, Nega

## UNAT Held or UNDT Pronouncements

The Applicant's post termination correspondence seeking to clarify what his terminal benefits would be, his eventual receipt of a statement of payments on 20 September 2021 and the filing of a new MER on 27 October 2021 reiterating the points previously made and decided on by the MEU did not re-set the time for the filing of the application. The Applicant waited approximately seven months after receiving the June 2021 MEU response, which addressed his submissions about entitlement to termination indemnity, before filing the application. The application was therefore outside the permitted 90-day time limit.

## Decision Contested or Judgment/Order Appealed

The Applicant was contesting the decision not to pay him termination indemnity following the termination of his continuing appointment.

## Legal Principle(s)

In order for an application to be receivable, the provisions of art. 8 1(d)(i) a of the UNDT Statute have to be satisfied by an applicant. More specifically, to be receivable the application had to have been filed "within 90 calendar days of the applicant's receipt of the response by management to his or her submission.

## Outcome

Dismissed as not receivable

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Nega

Entity

UNAMID

Case Number(s)

UNDT/NBI/2022/015

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

5 Oct 2022

Duty Judge

Judge Honeywell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Termination indemnities

Management Evaluation

Temporal (ratione temporis)

TEST -Rename- Benefits and entitlements-45

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 9.8

UNDT Statute

- Article 8.1(d)(i)

Related Judgments and Orders

2018-UNAT-823