

2023-UNAT-1324, Naima Abdellaoui

UNAT Held or UNDT Pronouncements

UNAT held that the contested Memorandum was not an administrative decision as the Appellant failed to identify how it was affecting her terms or conditions of appointment. UNAT held that the contested Memorandum concerned a general delegation of authority and, therefore, was a decision of general application.

Decision Contested or Judgment/Order Appealed

The Appellant, a staff member of UNOG, contested a Memorandum of 26 March 2020 from the Under-Secretary-General for Management Strategy, Policy and Compliance establishing an additional delegation of authority in the administration of the Staff Regulations and Rules pursuant to ST/SGB/2019/2 (Delegation of authority in the administration of the Staff Regulations and Rules and the Financial Regulations and Rules). This Memorandum delegated to the Head of Entities the authority to terminate the appointment of a staff member if the necessities of service required reduction of the staff and to decide to offer and approve agreed separation packages. In its Judgment No. UNDT/2021/141, the UNDT dismissed the Appellant's application as not receivable *ratione materiae* due to the fact that the contested decision was not an appealable administrative decision.

Legal Principle(s)

The key element of an appealable administrative decision is that it must produce direct legal consequences affecting the staff member's terms or conditions of appointment. The administrative decision is distinguished from other administrative acts, such as those having regulatory power (which are usually referred to as rules or regulations), as well as from those not having direct legal consequences.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Naima Abdellaoui

Entity

UNOG

Case Number(s)

2022-1656

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Apr 2023

President Judge

Judge Halfeld

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Definition

Subject matter (*ratione materiae*)

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Secretary-General's bulletins

- ST/SGB/2019/2

Staff Regulations

- Regulation 8.1

UNAT Statute

- Article 2.1(c)
- Article 2.1(a)

UNDT Statute

Related Judgments and Orders

2015-UNAT-547

2019-UNAT-974

2014-UNAT-447

2015-UNAT-568

2015-UNAT-555

2011-UNAT-165

2014-UNAT-481

UNDT/2021/141