

2024-UNAT-1451-Corr.1, Cevat Ozturk

UNAT Held or UNDT Pronouncements

The UNAT held that the administrative decision concerning reimbursements to the staff member took effect in law on 7 May 2019, when he received the wire transfer from the Organization. The reasons for this reimbursement amount were discussed with him shortly before the wire transfer was made. Although explanations of the underlying calculations were repeated in subsequent email exchanges with the staff member, those repetitions were not additional or new administrative decisions that were open to challenge by the staff member, thereby resetting the statute of limitations.

The UNAT found that the staff member had failed to seek management evaluation of the 7 May 2019 decision within 60 days, as required by the relevant Staff Rule 11.2. Indeed, he failed to do anything for more than a year. Moreover, his application to the UNDT on 14 April 2023, almost four years after the reimbursement decision, was long out of time to file his application pursuant to Article 8(4) of the UNDT Statute.

The UNAT held that the UNDT was without power to ameliorate these breaches of time limitations, and there was nothing erroneous in the UNDT Judgment.

The appeal was dismissed, and Judgment No. UNDT/2023/031 affirmed.

Decision Contested or Judgment/Order Appealed

In Judgment No. UNDT/2023/031, the United Nations Dispute Tribunal (UNDT) declined to receive the staff member's application because he had not submitted a timely management evaluation request of the contested reimbursement decision, and because that decision arose more than three years before his application was

filed with the UNDT.

The staff member appealed.

Legal Principle(s)

Administrative decisions should include the decision-maker's reasoning to enable the affected staff member to understand the basis on which the decision was made and to develop reasoned arguments against their lawfulness, and to enable the Tribunals to examine those administrative decisions accurately rather than speculatively.

There is a threefold purpose for providing reasons for administrative decisions: intelligibility (enabling both implementation and acceptance), accountability, and reviewability.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Cevat Ozturk

Entity

UNMIK

Case Number(s)

2023-1823

Tribunal

UNAT

Registry

New York

Date of Judgement

23 Jul 2024

President Judge

Judge Colgan

Judge Gao

Judge Ziadé

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Notification

Management Evaluation

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.2 (c)

UNDT Statute

- Article 8.4

Related Judgments and Orders

2020-UNAT-1042

2023-UNAT-1404

2021-UNAT-1097

UNDT/2023/031