

2024-UNAT-1472, Alain Bertrand

Kamdem Souop

UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT correctly identified UNDP as the respondent in the present case because it was UNDP that administered the staff member's position and was therefore his employer. The UNAT found that the staff member's application was premature because he filed it before receiving the management evaluation response, or at least before the expiration of the delay for receiving that response. The UNAT also concluded that the management evaluation response did not constitute the contested administrative decision.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2023/036.

Decision Contested or Judgment/Order Appealed

A staff member of the Office of the United Nations High Commissioner for Human Rights (OHCHR) contested the decision to reject his request for reimbursement of medical evacuation costs.

In its Judgment No. UNDT/2023/036, the UNDT concluded that his application was premature and thus not receivable because he filed it before receiving the response to his management evaluation request.

The staff member appealed.

Legal Principle(s)

The UNDT has the inherent power to individualize and define the administrative decision challenged by a party and to identify the subject(s) of judicial review, including determining the identity of the parties before it.

When a staff member seeks management evaluation of a decision, she/he has the obligation to await management evaluation response, or at least the expiration of the delay for receiving that response, before filing an application with the UNDT.

The Administration's response to a request for management evaluation is not a reviewable decision. Rather, that response is an opportunity for the Administration to resolve a staff member's grievance without litigation – not a fresh decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Alain Bertrand Kamdem Souop

Entity

OHCHR

Case Number(s)

2023-1825

Tribunal

UNAT

Registry

New York

Date of Judgement

13 Aug 2024

President Judge

Judge Ziadé

Judge Forbang

Judge Sheha

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Definition

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Oral hearings

Administrative decision

Procedure (first instance and UNAT)

Applicable Law

Staff Rules

- Rule 11.2

UNAT RoP

- Article 18.1

UNAT Statute

- Article 2.1(a)

- Article 8.3

Related Judgments and Orders

UNDT/2023/036

2016-UNAT-661

2017-UNAT-765