

# **UNDT/2024/083, Applicant**

## **UNAT Held or UNDT Pronouncements**

The Tribunal observed that the letter communicating the contested decision did not indicate whether the Advisory Body on Compensation Claims ("ABCC") considered the exceptional circumstances set out by the Applicant in her request to reopen her claim, which explained the reasons for her not meeting the submission deadline.

The Tribunal, thus, held that the Applicant had succeeded in establishing that the decision not to reopen her claim was irrational. The Tribunal deemed the contested decision as irrational because ABCC ignored factors relevant to whether despite not meeting the four-month deadline there were exceptional circumstances for considering the claim.

Accordingly, the Tribunal decided to:

- a. Rescind the contested decision for failure of ABCC to consider whether to reopen the case on grounds that there were exceptional circumstances that had been overlooked; and
- b. Pursuant to art. 10.4 of the UNDT Statute and subject to the concurrence of the Secretary-General, to be communicated to the Tribunal within three months of the date of the Judgment, to remand the Applicant's claim under Appendix D to ABCC for proper consideration of exceptional circumstances as submitted by the Applicant in support for a waiver of the four-month filing deadline.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested the decision to not reopen her claim for compensation under Appendix D to the Staff Rules.

## **Legal Principle(s)**

Pursuant to the settled jurisprudence of the Tribunal, the Secretary-General is bestowed with the discretionary authority to determine whether to grant a waiver of the statutory deadline to file a compensation claim to the ABCC on the basis of exceptional circumstances. However, the said discretionary authority is not unfettered. The Administration has an obligation to act in good faith and in compliance with applicable laws.

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Applicant

## Entity

OCHA

## Case Number(s)

UNDT/GVA/2023/056

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

23 Oct 2024

## Duty Judge

Judge Honeywell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Reasons

Administrative decision

## Applicable Law

Staff Rules

- Rule 10.4
- Appendix D

UNDT Statute

- Article 10.5(b)

## Related Judgments and Orders

2021-UNAT-1133

2017-UNAT-725

UNDT/2018/002

2015-UNAT-524

2010-UNAT-084