

UNDT/2024/092, Efrati

UNAT Held or UNDT Pronouncements

The Applicant claims that the Administration's indication that she will only be entitled to be considered for her long service step increment in August 2028, instead of August 2026, contravenes the terms of the settlement agreement signed previously. The issues the Tribunal considered for the purpose of receivability were, therefore, whether the subject matter of the application was one of the terms of the Agreement and whether the Agreement had been implemented or not.

In the Tribunal's view, the record did not allow to conclude that the deferment of eligibility for increment was a matter addressed in the Agreement. Indeed, said deferment was a part of the disciplinary decision that was not modified in any way by the Agreement. That aspect of the sanction remained all along as it was in the original decision.

With respect to implementation, the record shows that the one aspect of the sanction that was addressed in the Agreement was fully implemented by 28 September 2023.

As it follows, the application to enforce the Agreement was not receivable on two grounds: the subject matter of the application was not one of the terms of the settlement agreement in question; and the settlement agreement had already been implemented by the time the current application was filed.

In view of the foregoing, the Tribunal decided to reject the application as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant seeks an Order of the Tribunal for the enforcement of a settlement agreement.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Efrati

Entity

UNOV

Case Number(s)

UNDT/GVA/2023/061

Tribunal

UNDT

Registry

Geneva

Date of Judgement

5 Nov 2024

Duty Judge

Judge Honeywell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Subject matter (ratione materiae)

Informal resolution (between parties)

Jurisdiction / receivability (UNDT or first instance)

Ombudsman / informal resolution

Applicable Law

Staff Rules

- Rule 10.2(a)
- Rule 10.2(a)(i)
- Rule 10.2(a)(ii)

UNDT Statute

- Article 8.2