

UNDT/2024/097, Efrati

UNAT Held or UNDT Pronouncements

The Applicant claims that, by informing her that she would only be entitled to the long service step increment in August 2028 instead of August 2026, the Administration effectively made a new and separate administrative decision that is reviewable under the Tribunal's jurisdiction.

The issue under challenge for the purpose of receivability was whether the communication sent to the Applicant on 19 September 2023 constituted a reviewable administrative decision.

The Tribunal found that there was no decision made by the Respondent in the 19 September 2023 correspondence that adversely affects the rights of the Applicant. The said email was merely a response to the Applicant's query about how her unchanged 9 December 2022 sanction of deferment of eligibility for salary increment would be affected by the settlement reached in August 2023.

Ultimately, it was made clear, in answer to the Applicant's query, that the deferment of her eligibility for long-service step until August 2028 was a mere consequence of the restoration of two steps in grade and of the implementation of the two years deferment of eligibility. In other words, the sanction the Applicant received of two years deferment of eligibility will count from the moment she becomes eligible for a salary increment. And, as a staff member already occupying the last step of her grade, this will only happen on August 2026, when she becomes eligible for the long-service step increment.

Accordingly, the Applicant had failed to establish that the alleged contested decision met the definition of a new administrative decision.

The Tribunal, therefore, decided to reject the application as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to delay her long service step increment from 1 August 2026 to 1 August 2028.

Legal Principle(s)

The Dispute Tribunal is competent to hear and pass judgment on an application to appeal an administrative decision that is alleged to be in "non-compliance with the terms of appointment or the contract of employment".

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Efrati

Entity

UNOV

Case Number(s)

UNDT/GVA/2024/008

Tribunal

UNDT

Registry

Geneva

Date of Judgement

13 Nov 2024

Duty Judge

Judge Honeywell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Benefits and entitlements

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

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

UNDT Statute

- Article 2.1(a)
- Article 8.1(a)

Related Judgments and Orders

2018-UNAT-840