

UNDT/2025/007, MP

UNAT Held or UNDT Pronouncements

The Applicant was notified of the decision to deny his gross negligence claim on 8 April 2024, it did not meet the definition of “administrative decision” within the meaning of art. 2.1(a) of the Tribunal’s Statute.

Because alleged negligence by United Nations officials is not a cause of action available to staff members and is beyond the jurisdiction of the Tribunal, the Applicant could not bring a claim of gross negligence.

The Applicant was notified of the decision to deny his gross negligence claim on 8 April 2024. He was required to request management evaluation within 60 calendar days from that date, which is 7 June 2024. He failed to do so.

Decision Contested or Judgment/Order Appealed

The Applicant contested the denial of his claim seeking compensation for gross medical negligence by the United Nations Mission in South Sudan.

Legal Principle(s)

Alleged negligence by United Nations officials is not a cause of action available to staff members and is beyond the jurisdiction of the Tribunal.

“Time-barred” is another way of saying “not receivable *ratione temporis*. A (timely) management evaluation request is a prerequisite to UNDT competence, and the lack of one makes the application not receivable *ratione materiae*. On the other hand, *ratione temporis* refers to a timely filing of an application to the UNDT.

The only exceptions to the management evaluation requirement are for challenges to decisions of a technical body or following a disciplinary process.

Mere reiterations of previous decisions do not reset the clock for requesting management evaluation.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

MP

Entity

UNMISS

Case Number(s)

- UNDT/NBI/2024/067

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

14 Feb 2025

Duty Judge

Judge Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Subject matter (ratione materiae)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 2.1

Staff Rules

- Rule 11.2(b)
- Rule 11.2 (c)

Related Judgments and Orders

UNDT/2024/006

2018-UNAT-824

2015-UNAT-557

2015-UNAT-546

2015-UNAT-539

2013-UNAT-300