

UNDT/2025/013, Martin Akerman

UNAT Held or UNDT Pronouncements

The Court found that the Applicant failed to demonstrate the existence of exceptional circumstances or factors beyond his control that prevented him from filing a timely application for enforcement of the Settlement Agreement (see, e.g., *Gelsei* 2020-UNAT-1035, paras. 19-24).

In any event, the Tribunal considered that a period of six and a half years to request enforcement was excessive.

Decision Contested or Judgment/Order Appealed

The Tribunal determined that the Applicant's objective in filing this Application was to reopen Case No. UNDT/NY/2018/008 in order to request the Tribunal to enforce the settlement agreement it signed with UNFPA on 14 March 2018.

Legal Principle(s)

34. The Tribunal recalled that, according to the consistent case law of the Appeals Tribunal, the Dispute Tribunal is required to ensure that an application is admissible under Art. 8 of its Statute (see, for example, *O'Neill* 2011-UNAT-182, confirmed in *Christensen* 2013-UNAT-335, and *Barud* 2020-UNAT-998). The Appeals Tribunal has also held that the Dispute Tribunal may examine the admissibility of an application as a preliminary matter before examining the merits of the case (see, for example, *Pellet* 2010-UNAT-073).
35. More recently, the Appeals Tribunal has explained that in determining the admissibility of an application, the Dispute Tribunal must consider: (a) whether

the applicant has standing; (b) whether the conditions for the Dispute Tribunal's subject-matter jurisdiction are met; and (c) whether the temporal conditions are met. "Once these three elements are met, the admissibility test is satisfied and the Tribunal can consider the merits of the application" (*Majook* 2024-UNAT-1408, paras. 29-30).

Outcome

Dismissed as not receivable

Outcome Extra Text

The applicant also failed to demonstrate that he attempted to have the matter reviewed by the Ombudsman for the United Nations Funds and Programmes, as required by the Settlement Agreement itself.

Furthermore, there is no mechanism for the Court to reopen a case that has been closed for seven years.

Full judgment

[Full judgment](#)

Applicants/Appellants

Martin Akerman

Entity

UNFPA

Case Number(s)

UNDT/NY/2024/046

Tribunal

UNDT

Registry

New York

Date of Judgement

21 Mar 2025

Duty Judge

Areda

Language of Judgment

English

Appeal Number

2024-UNAT-1452

2012-UNAT-236

2017-UNAT-765

2021-UNAT-1084

2019-UNAT-905

2019-UNAT-928

2024-UNAT-1435

2011-UNAT-182

2013-UNAT-335

2020-UNAT-998

2010-UNAT-073

2024-UNAT-1408

2020-UNAT-1035

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (*ratione materiae*)

Temporal (*ratione temporis*)

Applicable Law

UNDT RoP

- Article 13.1
- Article 14.1
- Article 8.2

UNDT Statute

- Article 10.2
- Article 2.1
- Article 2.1(c)

Related Judgments and Orders

2024-UNAT-1452

2012-UNAT-236

2017-UNAT-765

2021-UNAT-1084

2019-UNAT-905

2019-UNAT-928

2024-UNAT-1435

2011-UNAT-182

2013-UNAT-335

2020-UNAT-998

2010-UNAT-073

2024-UNAT-1408

2020-UNAT-1035