

# **2025-UNAT-1583, Martin Akerman**

## UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT did not err in concluding that the former staff member's application was not receivable *ratione materiae* because he did not attempt to resolve the dispute through the office of the United Nations Funds and Programmes Ombudsman, as explicitly required by the Settlement Agreement to which he had expressly agreed. The UNAT found that the terms of the Settlement Agreement remained binding and enforceable on the parties, and that the UNDT committed no error in holding the parties to its terms.

The UNAT further found that the UNDT did not err in determining that the former staff member's application was not receivable *ratione temporis*. It held that the former staff member had 90 calendar days from 11 November 2018 – the date until which his fixed-term appointment was extended (i.e., the last day for implementation specified in the Settlement Agreement) – to file his application before the UNDT. Despite this, he submitted his application almost six and a half years after the signature of the Settlement Agreement, without demonstrating any exceptional circumstances, factors beyond his control or cogent reasons that prevented him from timely requesting enforcement of the Settlement Agreement. Therefore, the UNAT held that his application was time-barred.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2025/013.

## Decision Contested or Judgment/Order Appealed

A former staff member of the United Nations Population Fund (UNFPA) sought to reopen a UNDT case in order to request enforcement of a Settlement Agreement he signed with UNFPA in March 2018.

In its Judgment on Receivability No. UNDT/2025/013, the UNDT dismissed the former staff member's application, finding it not receivable *ratione materiae* and *ratione temporis*.

Former staff member appealed.

## Legal Principle(s)

In accordance with Article 8(2) of the UNDT Statute, an application seeking to enforce the implementation of an agreement reached through mediation must be filed within 90 days after the last day for the implementation specified in the mediation agreement or, when the mediation agreement is silent on the matter, after the thirtieth day from the date of the signing of the agreement.

## Outcome

Appeal dismissed on merits

## Outcome Extra Text

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Martin Akerman

## Entity

UNFPA

## Case Number(s)

2025-2013

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

3 Nov 2025

## President Judge

Savage

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Ombudsman / informal resolution

Procedure (first instance and UNAT)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Oral hearings

## Applicable Law

UNAT RoP

- Article 18.1

UNAT Statute

- Article 8.3

## UNDT Statute

- Article 8.2
- Article 2.1(c)

## Related Judgments and Orders

2024-UNAT-1409

2020-UNAT-1035