
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/134

Judgment No.: UNDT/2018/007

Date: 22 January 2018

Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MULIPI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

Thomas Jacob, UNDP

Introduction

1. The Applicant is a former staff member of the Office for the Coordination of Humanitarian Affairs (OCHA) in the Democratic Republic of the Congo (DRC).

\$SSOLFDQW¶V 6XEPLVVLRQV

15. 7KH 81'3 SROLF\ RQ ³\$JUHHG 6HSDUDWLRQ \$UUDQJHP
applied to the Applicant considering that his post was abolished as a consequence
of a restructuring exercise 7KLV SROLF\ SURYLGHV WKDW ³DJUHHG VH
be granted even in cases of non-renewal of contract of eligible long serving fixed-
term 100-series staff members FRQYHUWHG LQWR)7\$ RQ -XO\

16. During a meeting that took place in March 2017 with all staff to discuss the
restructuring exercise, the Organization gave reasonable assurances to the staff
affected by this exercise concerning the payment of termination indemnities which
were due to be c

WKDW WKH FRQWHVWHG GHFLVLRQ ZDV WDNHQ RQ -XQH
limit by which the Applicant was required to submit his request for management
evaluation, H[SLUHG RQ \$XJXVW 7KHUHIRUH WKH \$SSO
management evaluation filed on 20 August 2017 is time-barred.

20. 7KH 2UJDQL]DWLRQ¶V UHVSRQVH RI 2FWREHU W
for management evaluation did not waive the statutory requirement regarding the
time-limit for requesting management evaluation. Rather, the response to the
\$SSOLFDQW¶V UHTXHVW VROHO\ VHUYHG WKH SXUSR VH R
2+5¶V 6HSWHPEHU QRWLILFDWLRQ WKDW LW KDG VH
WKH \$SSOLFDQW¶V UHTXHVW IRU PDQDJHPHQW HYDOXDW

21. Since t KH \$SSOLFDQW¶V UHTXHVW IRU PDQDJHPHQW HYD
time, there is no need for the Tribunal to consider the merits of the present
application. The Respondent requests the Tribunal to dismiss this matter in its

entitlements. As such, based on the facts before it, the Tribunal has no grounds to accept that the payslip from 19 May would have informed the Applicant that termination indemnity was denied to him. The Applicant indicates that the contested decision was taken on 7 June 2017 when OCHA, DRC staff members were informed during a meeting with the Head of Office that separating staff members would not receive termination indemnities. While this might not be the moment when the decision was taken, the Tribunal accepts that only this information allowed the Applicant to comprehend the position of the administration on the matter concerned.

28. The above considerations, however, have no bearing on the receivability of the present application. Taking the date of 7 June 2017 as a trigger for procedural deadlines, in accordance with the time-limits provided by staff rule 11.2(c), the Applicant had until 6 August 2017 to submit his request for management HYDOXDWLRQ & RQVHTXHQWO\ WKH \$SSOLFDDQW¶V UHTXH barred and his application before the Tribunal is not receivable *ratione materiae*

29. The finding that the present application is not receivable is without prejudice to WKH \$SSOLFDDQW¶V UHTXH\ ULDKWMR7FKDDH HQJH WKH 19 December 2017. In relation to the reconsideration of his claim for payment of termination indemnities, by properly following procedures pursuant to staff rule 11.2 (c).

Conclusion

30. In view of the foregoing, the present application is dismissed.

(Signed)

