
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/043

Judgment No.: UNDT/2016/054

Date: 5 May 2016

Original: English

Introduction

1. The Applicant is a Rigging Supervisor at the United Nations Mission for the Referendum in Western Sahara (MINURSO). In his Application dated 9 March 2015, the Applicant contests the decision to refuse his application for an *ex gratia* payment in lieu of retroactive Special Post Allowance (SPA) from October 2012 to September 2013.
2. The Respondent filed a Reply to the Application on 10 April 2015. He argued that the Application is not receivable *rationae materiae* as the Applicant had failed to request management evaluation of the contested decision.
3. On 5 May 2015, by Order No. 148 (NBI/2015), the Applicant was directed to file his submissions in response to the issue of receivability by 19 May 2015.

8. The Applicant failed to receive any form of extra payment for his

15. The submission of a request for management evaluation is a mandatory first step that must be followed before an applicant may have recourse to the Dispute Tribunal to appeal against an administrative decision that falls within the scope of staff rule 11.2(a).

16. The decision contested by the Applicant in his Application is not the same as that which he contested in his request for management evaluation. In his request for management evaluation, the Applicant contested the “decision to not

21. On 3 September 2014, the Applicant filed an MER following the decision not to approve his request for SPA.

22. On 13 January 2015, the MEU decided to uphold the decision not to grant retroactive SPA.

23. A request for management evaluation must generally be predicated upon the condition that the impugned decision is stated in precise terms. It can be understood, however, that one administrative decision is implied by another administrative decision, which an applicant has actually submitted for management evaluation.

24. In this case, the Applicant initially sought management evaluation for the refusal not to consider his request for SPA. The actual rejection of the Applicant's request implicitly includes the Administration's refusal to consider a discretionary payment in lieu of SPA.

25. The Applicant submits that no additional MER is necessary as this would be a waste of time and resources for both the Applicant and Applicant and 9()-9foT/1 0 0 10(for

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