

THE UNITED NATIONS APPEALS TRIBUNAL

7. On 21 August 2008, Jarvis requested administrative review of the decision on the lump-sum amount in respect of her home-leave travel. On 7 November 2008, she lodged an appeal with the Joint Appeals Board. Her appeal and two other appeals filed by her ICTY colleagues on the same issues were subsequently transferred to UNDT/Geneva.

8. In a judgment dated 29 November 2009, the UNDT/Geneva rejected the applications filed by Jarvis and her two ICTY colleagues as “inadmissible, since the applicants, by opting for the lump-sum payment proposed, forfeited any right of appeal”. According to the UNDT, the procedure of offering staff members an option to opt for a lump-sum payment in lieu of home-leave travel is a final and binding administrative decision.

20. Jarvis failed to establish any error in law or fact that would require the reversal of UNDT's conclusion that her application was not receivable because she had forfeited her right to appeal when she accepted the lump-sum payment.

Considerations


21. Jarvis and the other two applicants accepted the lump-sum calculated by the ICTY

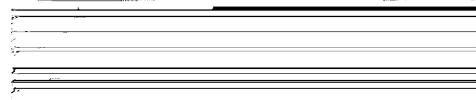
details on the administration of payment of home leave travel expenses do not define what constitutes a “full economy-class fare by the least costly scheduled air carrier” between the duty station and the place of home leave.

27. In light of the above, this Court considers that the parties were neither in a situation governed by rules in which the Administration could only apply them and the staff member could only accept or reject the lump-sum payment proposed nor did they forfeit any right of appeal.

Judgment

28. The Court therefore annuls the UNDT decision that the application is not receivable and remands the case to the UNDT for a judgment on the merits.





Judge Weinberg de Roca, Presiding



Judge Courtial

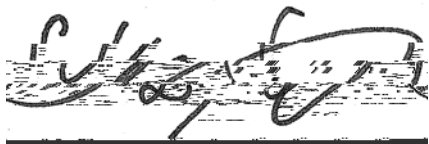


Judge Painter

Dated this 30th day of March 2010 in Geneva, Switzerland.

Original: English

Entered in the Register on this 26th day of April 2010 in New York, United States.



Weicheng Lin, Registrar, UNAT