



## Introduction

1. The Applicant is a Security officer at the United Multidimensional Integrated Stabilization Mission in Central African Republic (“MINUSCA”). On 18 February 2022, he filed an application in which he contests the decision to recover the relocation grant (“RLG”) and daily subsistence allowance (“DSA”) portion of the settling-in grant paid to him upon his return to his parent duty station at United Nations Headquarters (“UNHQ”) in New-York from a temporary assignment with MINUSCA. He also contests the Management Evaluation Unit’s (MEU”) response to his request.

2. On 23 March 2022, the Respondent filed his reply contesting the receivability of the application.

## Facts

3. On 10 October 2005, the Applicant commenced service with the Organization in New York on a fixed-term appointment (“FTA”) as a locally recruited S-3 Security Officer.<sup>1</sup>

4. On 14 October 2018, he was temporarily assigned to MINUSCA as a Security Officer at the FS-4 Level.<sup>2</sup>

5. On 21 October 2018, the Applicant was paid a settling-in grant and RLG relating to his assignment with MINUSCA.<sup>3</sup>

6. After completion of his temporary assignment on 1 January 2021, the Applicant returned to UNHQ. He was paid the DSA portion of the settling in-grant and an RLG related to his return.<sup>4</sup>

7. The Applicant resigned from his position at UNHQ on 15 March 2021 and on 22 March 2021, he was reappointed to MINUSCA in an FS-4 Security Officer

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<sup>1</sup> Reply, annex R1.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

10. The RSCE replied on 3 May 2021 that the Applicant was not entitled to RLG upon separation and reappointment within the same duty station in less than 30 days.

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proposed that his unpaid RLG for MINUSCA be factored into the recovery.<sup>10</sup> RSCE informed the Applicant on 9 July 2021 that the issue had been escalated to the Service Line Manager and the team leader for further review and guidance.<sup>11</sup> On 9 July 2021 the Applicant requested information on whether the recovery had been suspended, as otherwise he would file a request for management evaluation.<sup>12</sup> On 12 July 2021, Mr. Anis Siddique, Human Resources Officer, RSCE, informed the Applicant via email that the recovery could not be suspended but after a conversation with the Applicant, he confirmed, on 13 July, that he had communicated d Q q BT /F1 .0 0.0 rg 0.9981 3(d)29(c)3(om)-30

date of 31 August 2021 is also indicated by the Applicant as the notification of the impugned decision in the present application.<sup>18</sup>

### **Considerations**

19. In accordance with staff rules 11.2(a) and 11.2(c), for an application to be

against the recovery decision communicated between 30 June and 9 July. The Applicant was contemplating resorting to management evaluation already in July 2021, he, however, requested management evaluation only on 3 November 2021, which was after both deadlines.

23. Where the request for management evaluation is time-barred, the application before the UNDT is not receivable because the UNDT Statute forbids the waiving of time limits for management evaluation.<sup>19</sup> The Appeals Tribunal also affirms that an untimely request for management evaluation bars applications before the Tribunal even if management evaluation was actually received.<sup>20</sup> As concerns the content of a management evaluation, it is established jurisprudence that, notwithstanding that the latter may vary the impugned decision<sup>21</sup>, is not appealable on its own terms.<sup>22</sup>

**Conclusion.**

24. The application is rejected as not receivable.

*(Signed)*  
Judge Agnieszka Klonowiecka-Milart  
Dated this 3<sup>rd</sup> day of October 2022

Entered in the Register on this 3<sup>rd</sup> day of October 2022

*(Signed)*  
Abena Kwakye-Berko, Registrar, Nairobi

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<sup>19</sup> *Rosana* 2012-UNAT-273.

<sup>20</sup> *Awan* 2015-UNAT-588 para 13-14.

<sup>21</sup> Staff rule 11.4 (a) A staff member may file an application against a contested administrative decision, *whether or not it has been amended by any management evaluation*, with the United Nations Dispute Tribunal... (etc)

<sup>22</sup> *Hammond* 2021-UNAT-1143, para. 36; *Kalashnik* 2016-UNAT-661, para. 29; *see also Chawla* UNDT/2021/121, para. 4.