
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/018

Judgment No.: UNDT/2024/035

Date: 10 June 2024

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

SELLAMI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Federica Midiri, UNDP

Introduction

1. On 12 April 2024, the Applicant, a former staff member with United Nations Development Programme (“UNDP”), filed an application challenging: (a) an alleged data breach which involved the unauthorized disclosure of personal information, including the full name and bank account number of the Applicant; and (b) the decision by the Office of Staff Legal Assistance (“OSLA”) not to provide legal assistance to the Applicant in relation to the alleged data breach.
2. On 4 May 2024, the Respondent filed a motion submitting that the application was not receivable and requested that the Dispute Tribunal determine the receivability of the application as a preliminary matter.
3. By email dated 21 May 2024, the Tribunal informed the parties that the Duty Judge had granted the Respondent's motion to determine receivability as a preliminary matter.
4. By Order No. 060 (NY/2024) dated 24 May 2024, the Tribunal directed the Applicant to file a response to the Respondent’s motion on receivability.
5. On 28 May 2024, the Applicant duly filed his response.
6. On 29 May 2024, the case was assigned to the undersigned Judge.

Receivability as a preliminary matter

7. The Appeals Tribunal has held that the Dispute Tribunal may consider the receivability of an application as a preliminary matter before reviewing the merits of the case (see, for instance, *Pellet* 2010-UNAT-073). Based on the 4 May 2024 motion of the Respondent on non-receivability, and for the fair and expeditious disposal of the case in accordance with art. 19 of its Rules of Procedure, the Tribunal has decided to do so.

The parties' submissions on receivability

8. The Respondent's contentions may be summarised as follows:
 - a. The application is not receivable *ratione materiae* on three grounds. First, the Applicant did not submit a management evaluation request of the decisions that he contests. The Applicant does not assert that the decisions arise from the technical panels, which do not require a management evaluation request prior to appeal to the Tribunal under

Conclusion

15. The application is dismissed for lack of receivability