



IN THE MATTER OF:

P.Y., Applicant

v.

Chairperson of the African Union Commission, Respondent

FOR APPLICANT: *Pro se*

FOR RESPONDENT: Hajer GUELDICH, Legal Counsel, African Union Commission

BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

HEARD ON: 24 November 2023

JUDGMENT

Procedural and Factual History

1. On 26 September 2022, Applicant, the Central Africa Regional Desk Coordinator within the Political Affairs, Peace and Security Department (PAPS) at the African Union Commission, filed an application contesting automated notifications from the Department of Finance relating to unaccounted travel advance payments.
2. The application was served on Respondent on 13 October 2023. Respondent filed his Answer on 12 December 2022 opposing the application on grounds of receivability and on the merits. Applicant filed his written observations on 29 December 2022. The matter was considered by the Tribunal on the parties' written pleadings on 24 November 2023 without the need for an oral hearing.
3. Applicant challenges the Department of Finance's (DoF) automated notifications termed "*employee balance notification*" which he has been receiving since May 2018. Through these notifications, Applicant was informed that he owed the Union \$11,137.20 in unsettled travel advance payments. Disputing the amount, Applicant sent multiple correspondences and met with various DoF officers to resolve the dispute during 2018-2022.
4. By letter dated 5 August 2022, Applicant informed the Chairperson of his intention to escalate his grievance to the Tribunal. He explained in detail his interactions with various officers of DoF and denied owing any money to the Union. He also alleged suffering moral harm as a result of the repetitive notifications he had been receiving from DoF.
5. The Chairperson did not respond. This application followed, where Applicant asks the Tribunal to order Respondent to cease the automated balance notifications, order Respondent's claims prescribed, and to order moral damages in his favor in the range of \$50,000 to \$100,000.
6. Respondent asks the Tribunal to dismiss the application as it is time-barred and, in any event, the notifications that Applicant complains of do not constitute an impugnable administrative decision. On the merits, Respondent argues the sum of \$11,137.20 was correctly assessed against Applicant as he failed to properly account for the said amount in accordance with the financial regulations and rules of the Union.
7. Following Applicant's temporary transfer to the African Union office in Brussels in January 2023, Respondent recovered \$9,696.14 from Applicant's entitlements due upon transfer. Applicant protested the recovery by a filing made to the Tribunal on 13 April 2023. Applicant also made the following additional prayers: (a) an order for refund of the recovered amount (\$9,696.14); (b) an order \$ 75,000 in damages; and (c) an order reprimanding the DoF official who effected the contested recovery.

Discussion

8. For an application to be receivable, a staff member must seek review by the Chairperson within thirty days of the contested administrative decision.¹ The Chairperson has thirty days to complete the review, failing which the request will be deemed constructively denied.²
9. The staff member then has additional thirty days to file an application with the Tribunal, reckoned thirty days after the filing of administrative review request or from the date of receipt of a decision on the administrative review request, whichever comes first.³ Staff members must strictly comply with these mandatory timelines.⁴
10. In his application of 26 September 2022, Applicant contests the employee balance notifications assessing against him the sum of \$11,137.20 in unsettled travel advance received from official travels taken during extended 2008-2012. However, Applicant concedes that he had been receiving balance notifications since May 2018, establishing Applicant's awareness of the claims against him. The present application is, thus, manifestly untimely.
11. The automated reminders periodically sent to Applicant do not constitute fresh decisions having the effect of re-setting the filing timelines applicable in this case. The application is time-barred.
12. There being no need to reach other issues in the case, the Tribunal DISMISSES the application.

Date: 26 February 2024

/signed/

SYLVESTER MAINGA, PRESIDENT
JAMILA B. SEDQI
PAULO D. COMOANE

Secretary: *Paulo D. Comoane*

¹ Staff rule 62.1.

² *Id.*

³ Staff rule 62.1; AUAT Statute art.13(iv).

⁴ *M.Z.L.*, AUAT/2018/001, para. 13.