

UNDT/2020/005, Simiyu

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant identified the contested decision as “misconduct allegations” made against her. It was clear that the Administration was yet to take a decision whether or not to discipline her. Allegations of misconduct are only a prefatory act, from which no direct consequences stem for the terms of the Applicant’s employment. Accordingly, the application was found not receivable for want of a reviewable administrative decision and it was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant contested what she termed as “misconduct allegations” against her.

Legal Principle(s)

As per the settled jurisprudence, initiating an investigation is not an administrative decision which the Tribunal is competent to review under art. 2.1 of its Statute. It is merely a step in the investigative process. Accordingly, the Tribunal is not competent to entertain complaints against decisions that are not final and conclusive in the administrative course of procedure.

Outcome

Dismissed as not receivable

Outcome Extra Text

The application was found not receivable for want of a reviewable administrative decision.

Full judgment

[Full judgment](#)

Applicants/Appellants

Simiyu

Entity

UNSOS

Case Number(s)

UNDT/NBI/2020/005

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

14 Jan 2020

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)