

UNDT/2023/071, Makeen

UNAT Held or UNDT Pronouncements

The Applicant did not deny the authenticity of the Microsoft Outlook notifications. This meant that the Applicant should have filed his application no later than 26 June 2023 to comply with the 90-calendar day deadline.

He filed his application on 28 June 2023, which was two days after the statutory deadline so the application was dismissed as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant contested the imposition on him of the disciplinary measure of separation from service with compensation in lieu of notice, and without termination indemnity, in accordance with staff rule 10.2(a)(viii).

Legal Principle(s)

Article 8.1(d)(ii) prescribes that an application shall be receivable if in cases where management evaluation of the contested decision is not required, it is filed within 90 calendar days of the applicant's receipt of the administrative decision. Staff rule 11.4(b) sets the same deadline.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Makeen

Entity

UNSCOL

Case Number(s)

UNDT/NBI/2022/074

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

12 Jul 2023

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Temporal (ratione temporis)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Staff Rules

- Rule 11.4(b)

UNDT Statute

- Article 8.1(d)(ii)

Related Judgments and Orders

2014-UNAT-470

2014-UNAT-410

2010-UNAT-043

2015-UNAT-503