

UNDT/2024/039, Massamba

UNAT Held or UNDT Pronouncements

The Tribunal noted that based on the evidence before it and not contested by the Applicant, the sanction letter was issued on 1 July 2022 and the Applicant received it on 5 July 2022. Pursuant to staff rule 11.2(b), disciplinary decisions are not subject to management evaluation. This meant that the Applicant ought to have filed his application no later than Tuesday, 4 October 2022 to comply with the 90-calendar day deadline. He filed his application on 31 January 2024, which was more than a year after the statutory deadline. Accordingly, the Tribunal found the application not receivable *ratione temporis* and it was dismissed.

Decision Contested or Judgment/Order Appealed

The imposition 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)

Pursuant to article 8.1(d)(ii) of the UNDT Statute, an application is 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

Massamba

Entity

OCHA

Case Number(s)

UNDT/NBI/2024/004

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Jun 2024

Duty Judge

Judge Wallace

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary measure or sanction

Disciplinary matters / misconduct

Applicable Law

Staff Rules

- Rule 11.2(b)
- Rule 11.4(b)

UNDT Statute

- Article 8.1(d)(ii)

Related Judgments and Orders

2014-UNAT-470