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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/058

Judgment No.: UNDT/2022/070

Date: 27 July 2022

Original: English

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**Before:** Judge Margaret Tibulya

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

NJAGI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

**JUDGMENT ON RECEIVABILITY**

## **Introduction**

1. The Applicant contests the decision by the Under-Secretary-General for Management Strategy, Policy and Compliance

the Applicant via a memorandum dated 31 March 2022.<sup>1</sup> The Applicant received the sanction letter on 1 April 2022.<sup>2</sup>

4. The Applicant requested management evaluation of the contested decision on 30 June 2022.<sup>3</sup> In a response dated 6 July 2022, the Management Evaluation Unit informed the Applicant that her request was not receivable.<sup>4</sup>

5. The Applicant filed an incomplete application via the United Nations Dispute Tribunal which she completed on 24 July 2022.

### **Considerations**

6. The question before the Tribunal is whether the Applicant filed her UNDT application within the stipulated timelines.

7. The United Nations Appeals Tribunal has previously held that it is proper/appropriate for the UNDT to consider *sua sponte* the issue of jurisdiction and to consider whether it has jurisdiction before addressing the merits of an application.<sup>5</sup> In the current case, the Tribunal did not deem it necessary for the application to be served on the Respondent due to the irreceivability of the application.

8. Staff rules 10.3(c) and 11.2(b) stipulate that:

10.3(c): A staff member against whom disciplinary or non-disciplinary measures, pursuant to staff rule 10.2, have been imposed following the completion of a disciplinary process may submit an application challenging the imposition of such measures directly to the United Nations Dispute Tribunal, in accordance with chapter XI of the Staff Rules.”.

11.2(b): A staff member wishing to formally contest an administrative decision taken pursuant to advice obtained from technical bodies, as

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<sup>1</sup> Application, allegations of misconduct dated 12 July 2021 and sanction letter dated 31 March 2022.

<sup>2</sup> Application, para. 5 (section V – Details of the contested decision).

<sup>3</sup> Application, section VI (management evaluation).

<sup>4</sup> See MEU/189-22/R [JYK].

<sup>5</sup> See *Elhabil* 2016-UNAT-655 citing *Christensen* 2013-UNAT-335 and *Saka* 2010-UNAT-075.



