



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2010/08/
UNAT/1581
Order No.: 236 (NBI/2010)
Date: 30 November 2010
Original: English

Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Jean-Pelé Fomété

MASSAH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for applicant:

Clarence E. Clarke

Counsel for respondent:

Steven Dietrich, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant filed an application with the former United Nations Administrative Tribunal contesting the Secretary-General's decision to impose on him the disciplinary measure of separation from service for serious misconduct.

2. By a reply dated 30 August 2008, the Respondent requested that the former Administrative Tribunal dismiss the application in its entirety due to the fact that the Secretary-General reasonably exercised his discretionary authority with regard to disciplinary matters, and that his decision to separate the Applicant for misconduct after a thorough investigation was well-founded.

3. On 1 January 2010, this case was transferred to the Nairobi Registry of the United Nations Dispute Tribunal (UNDT) in accordance with ST/SGB/2009/11 and by Order No. 125 dated 13 July 2010 the parties were ordered to submit concise statements of facts, legal issues and remedies by 30 August 2010.

4. On 9 August 2008, the Applicant's counsel complied with Order No. 125 and also informed the Tribunal that the applicant had passed away and that in keeping with the applicant's wishes, he would continue the case before the Tribunal.

Considerations

5. Article 7.2 of the Rules of Procedure of the United Nations Dispute Tribunal provides that:

Any person making claims on behalf of an incapacitated or deceased staff member of the United Nations, including the Secretariat and separately administered funds and programmes shall have one calendar year to submit an application.

Case No. UNDT/NBI/2010/08/
UNAT/1581
Order No.: 236 (NBI/2010)

(Signed)

Judge Vinod Boolell

Dated this 30th day of November 2010

Entered in the Register on this 30th day of November 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi