



**JUDGE ROSE BOYKO**, Presiding.

### Synopsis

1. The Appellant, Jane Macharia (Macharia), was dismissed for serious misconduct on 22 June 2009. Upon her *ex parte* motion, the UNDT granted her 21 days, until 16 October 2009, to file her substantive application challenging her summary dismissal. On 16 October 2009, she brought another *ex parte* motion for an extension of one year, suggesting that negotiations were either underway, needed, or being contemplated. The UNDT on 25 November 2009 rejected her application for a further extension of time. Macharia appeals this decision. We find no error in the UNDT judgment and affirm it.

### Facts and Procedure

2. Macharia joined the Organization in June 1990. She was summarily dismissed effective 22 June 2009. At that time, she was an Administrative Assistant at the G-6 level with the United Nations Human Settlements Programme (UN-Habitat), United Nations Office of Nairobi (UNON/Nairobi).

3. In an email dated 22 June 2009, the Secretary a.i., Joint Appeals Board (JAB) and Joint Disciplinary Committee (JDC) at UNON, advised her that in view of the on-going process for handing over the pending cases to the new justice system, they could not receive appeals against an administrative decision imposing a disciplinary measure.

4. In a memorandum also dated 22 June 2009 to the Chief, Human Resources Management Service (HRMS)/UNON, Nairobi, Macharia requested that the dismissal decision be suspended until the new system was in place, so that she could “appeal for the review of the decision for separation”. The Chief, HRMS/UNON, advised her the following day that the dismissal decision could not be suspended, and that he would forward her memorandum to the Administrative Law Unit in New York. He advised Macharia that “[she] may initiate [her] appeal against the decision as a former staff member”.

5. In an email dated 6 October 2009, the Office of Staff Legal Assistance advised the UNDT Registry that it was no longer representing Macharia. The email was copied to Macharia and her current Counsel.

**THE UNITED NATIONS APPEALS TRIBUNAL**

Case No. 2009-020



**THE UNITED NATIONS APPEALS TRIBUNAL**