



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/109

Order No.: 044 (NBI/2019)

Date: 2 April 2019

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

SHUMWE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER STRIKING OUT AN
APPLICATION**

Counsel for the Applicant:

Self represented

Counsel for the Respondent:

Melissa Bullen, UN Women

Introduction and procedural history

1. The Applicant is a former Procurement Associate at the G-7 level in the Procurement Unit of the United Nations Women in Nairobi, Kenya (UN Women Kenya).

2. On 8 November 2018, the Applicant filed an incomplete application challenging the outcome of the investigation report prepared by the Office of Audit and Investigations (OAI), United Nations Development Programme (UNDP), and the subsequent imposition of the disciplinary measure of dismissal.

3. On 12 November 2018, the Registry advised the Applicant via the e-Filing portal to: (i) complete the required information in sections I, II, X and XI of the application; and (ii) sign and date the application. The Applicant was given a deadline of 15 November 2018, to submit the complete application through the e-Filing portal.

4. By emails dated 21 November 2018, 18 January 2019 and 15 February 2019, the Registry reminded the Applicant to complete his application by filling out the required sections, dating, signing and uploading it into the e-Filing portal. The Applicant did not respond to the Registry's emails.

5. The Tribunal, by its Order No. 032 (NBI/2019), directed the Applicant to complete the missing information in sections I, II, X and XI of the application, date and sign the application, and upload the completed application into the e-Filing portal by Thursday, 22 March 2019. The Tribunal informed the Applicant that if he failed to comply by the date ordered, his matter would be stricken from the Tribunal's docket.

6. The Registry served Order No. O32 on the Applicant on 8 March 2019.

7. At approximately 1738 hours on 22 March 2019, the Applicant submitted to the Registry, via email, a document that appears to be an abstract for a vehicle accident that occurred on 27 October 2018.

8. By email dated 25 March 2019, the Registry informed the Applicant that the document he had submitted did not comply with the directive in Order No. 032.

9. The Applicant replied to the Registry the same day that he had attached the correct document to his email.

Considerations

10. Article 8.3 of the UNDT Rules of Procedure enjoin applicants to submit signed original application forms and annexes. Clearly, a signed application is a precondition for submission of applications to the Tribunal. In the absence of a signature, the Tribunal cannot proceed to entertain the application.

11. Between November 2018 and February 2019, the Registry wrote to the Applicant about his incomplete and unsigned application not once but four times but he did not respond or comply with the requests.

12. In an effort to give the Applicant another opportunity to have his case adjudicated, the Tribunal issued a formal Order setting a final deadline for compliance art. 8.3 of the UNDT Rules of Procedure. Unfortunately, the Applicant chose to submit an unrelated document instead of the completed and signed application he was directed to submit.

In light of the foregoing,

IT IS ORDERED THAT:

13. The matter of *Shumwe v. the Secretary-General of the United Nations*, registered as Case No. UNDT/NBI/2018/109, shall be stricken off the Tribunal's records.

Case No. UNDT/NBI/2018/109

Order No. 044 (NBI/2019)

(Signed)

Judge Nkemdilim Izuako

Dated this 2nd day of April 2019

Entered in the Register on this 2nd day of April 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi