



Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NJENGA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON SUSPENSION OF
PROCEEDINGS**

Counsel for the Applicant:

Brandon Gardner, OSLA

Counsel for the Respondent:

Isabel Martinez, UNEP

Camila Fuomene A. Nkwenti, UNEP

Introduction

1. The Applicant served as a Programme Assistant at the United Nations Environment Programme (UNEP) on a permanent appointment at the G-6 level. She was retired from the Organization on 31 August 2016.

2. On 11 August 2017, the Applicant filed an application with the United Nations Dispute Tribunal in Nairobi to challenge the Respondent's decision to not compensate her for "mistakenly forcing her to retire at 60" rather than at 62 years of age. The Applicant contends that this mistake – which the Respondent has admitted to making in an email to the Applicant - has affected the calculation of her pension entitlements.

3. The Respondent filed his Reply to the application on 13 September 2017.

4. On 12 October 2018, the parties jointly requested a formal referral to mediation.

5. On 15 October 2018, the Tribunal issued Order No. 162 (NBI/2018) referring this matter for mediation to the Office of the Ombudsman and Mediation Services (OMS), and suspended proceedings while the parties attempt to have this matter settled without recourse to litigation.

6. On 8 November 2018 and 13 February 2019, the OMS informed the Tribunal that the parties are engaged in good faith efforts to find a mutually agreeable solution to the dispute between them. Consequently, the Tribunal suspended proceedings until 29 March 2019.

7. On 29 March 2019, the OMS moved the court to extend the suspension of proceedings through 30 April 2019.

DIRECTIONS

8. The Tribunal makes the following **ORDERS**:
- i. The motion for extension of time is **GRANTED**;
 - ii. The parties and/or OMS should advise the Tribunal on the status of mediation by **1 May 2019**;
 - iii. The Registry is **DIRECTED** to serve a copy of this Order on the Office of the Ombudsman and Mediation Services (OMS);
 - iv. The proceedings in the matter of *Njenga v Secretary General of the United Nations* (UNDT/NBI/2017/067) hereby remain suspended pending mediation.

(Signed)

Judge Alexander W. Hunter, Jr.
Dated this 1st day of April 2019

Entered in the Register on this 1st day of April 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi