



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2014/097
Order No.: 232 (NBI/2014)
Date: 24 October 2014
Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

COLEMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR WITHDRAWAL**

Counsel for Applicant:
Marisa Maclellan, OSLA

Counsel for Respondent:
Susan Maddox, ALS/OHRM
Cristiano Papile, ALS/OHRM

Introduction

1. The Applicant is a Transport Assistant at the GS-3 level at the United Nations Mission in Liberia (“UNMIL”).

2. On 27 December 2013, the UNMIL National Staff Association (NASA) staged a sit-in action outside the UNMIL base. The Applicant participated in the sit-in action, although the extent and nature of her participation is in dispute, and became the subject of an investigation.

3. The Applicant received a letter on 2 January 2014 informing her that she was the subject of an investigation into misconduct and that, effective 6 January 2014, she was being placed on Administrative Leave with Pay (ALWP) for three months or until the completion of the investigation.

4. By a letter dated 2 April 2014, the Applicant was informed of her placement on administrative leave without pay (“ALWOP”) with immediate effect. On 30 June 2014, the Applicant received a third letter, dated 23 June 2014, informing her that her ALWOP was being extended for an additional three months from 14 July 2014, or until the completion of the disciplinary process, if any, whichever came earlier

5. The Applicant requested management evaluation of the decision on 22 August 2014 and on 27 August 2014 submitted to the Tribunal an Application for suspension of action of the decision to extend her placement on ALWOP.

6. The Tribunal issued Order No. 200 (NBI/2014) on 1 September 2014 granting the Applicant’s Application for suspension of action and ordering that the decision to deprive her of her salaries while she is on administrative leave be suspended until the management evaluation request she filed has been completed.

7. On 17 October 2014, she filed an Application with the Tribunal contesting the decision “to extend [her] Administrative Leave Without Pay from 14 July 2014, which also contains and renews the original decision to place [her] on administrative leave”. Also on 17 October, the Applicant filed a Motion, pursuant

to article 14 of the UNDT Rules of Procedure, praying for suspension of the contested decision pending the Tribunal's proceedings.

8. The Motion was served on the Respondent on 21 October 2014¹ with a deadline of 23 October for a reply to be filed.

9. On 22 October 2014, the Applicant filed a motion to withdraw her earlier Motion for interim measures on the basis of a representation by the Administration that it does not intend to place her again on ALWOP pending the completion of proceedings. The Applicant prayed however that the Tribunal proceed with the underlying Application. On 23 October, the Respondent filed a Reply to the Applicant's Motion to withdraw.

10. In light of the Applicant's request for withdrawal,

IT IS ACCORDINGLY ORDERED THAT:

11. The Applicant's Motion for withdrawal of her Motion for interim measures pending proceedings is hereby granted.

12. The matter of *Coleman v. The Secretary General of the United Nations* registered as Case Number UNDT/NBI/2014/097 shall remain on the court record for adjudication before the Tribunal.

(Signed)

Judge Nkemdilim Izuako

Dated this 24th day of October 2014

¹ The Application and Motion were filed on Friday, 17 October 2014, after the closing hours of the UNDT Nairobi Registry. Monday, 20 October 2014, was an official United Nations holiday for the Nairobi duty station.

Entered in the Register on this 24th day of October 2014

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi