



Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

MANLY-SPAIN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER FOR FURTHER AND BETTER
PARTICULARS**

Counsel for the applicant:

Daniel Trup, OSLA

Counsel for the respondent:

Alister Cumming, ALS/OHRM

Introduction and Procedural History

1. At the time of the filing of this Application, the Applicant served as an Administrative Assistant on a fixed term appointment, at the FS5/VI level, with the United Nations Support Office for AMISOM (UNSOA). She was based in Nairobi, Kenya.
2. On 25 June 2014, the Applicant challenged the Respondent's decision to recover amounts she received as dependency benefits for her child as of 1 July 2009.
3. The Respondent responded to the Application on 11 July 2014 and 25 July 2014, arguing that the Application should be refused on grounds of both receivability and merits respectively.
4. The Applicant was afforded the opportunity to respond to the Respondent's Reply, which submissions were filed on 18 July 2014.

Deliberations

5. The Applicant declared the child she bore, through union with her staff member spouse, as a dependent in September 2008. The Applicant's husband was also receiving dependency benefits for his daughter, borne of a separate and previous relationship.
6. On 13 November 2013, she was informed that she was not entitled to the dependency benefits she had been receiving because her husband "has a higher step" and was therefore the higher earning spouse.
7. Having carefully reviewed the submissions of the Parties, the Tribunal considers it necessary that it be provided with a **detailed and tabulated compilation of the grades and steps occupied by the Applicant and her husband for the**

period September 2008 through to November 2013, including what each of them earned throughout that period.

8. The Personnel Action documents filed by the Respondent are not sufficiently clear.

9. The Tribunal finds that these facts are pertinent to the dispute at hand, and necessary for a just determination of the matter.

10. In accordance with the provision of art. 18.2 of the UNDT Rules of Procedure¹, the Tribunal directs the Parties to furnish the Tribunal with the information required, in a properly tabulated format, by **Friday, 29 April 2016**.

(signed)

Judge Vinod Boolell

Dated this 22nd day of April 2016

Entered in the Register on this 22nd day of April 2016

(signed)

Abena Kwakye-Berko, Registrar, Nairobi

¹ Article 18.2: The Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide information, which appears to the Tribunal to be necessary for a fair and expeditious disposal of the proceedings.