



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

HAILOU

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
MOTION TO RESUME FORMAL  
PROCEEDINGS AND AMEND THE  
APPLICATION**

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**Counsel for the Applicant:**  
Nicole Washienko, OSLA

**Counsel for the Respondent:**  
Steven Dietrich, ALS/OHRM  
Alister Cumming, ALS/OHRM

### **The Application and Procedural History**

1. The Applicant is a Field Administrative Officer at the FS-5 level at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).
2. On 18 November 2015, the Applicant filed an Application on the Merits *pro se*, contesting the administrative decisions not to grant her retroactive promotion to the FS-6 level and the denial of her request for Special Post Allowance (SPA).
3. On 23 November 2015, the Application was served on the Respondent, who was informed that his Reply was due on 23 December 2015.
4. Since filing her Application, the Applicant retained the services of the Office of Staff Legal Assistance (OSLA) to act as her Counsel in the present proceedings.
5. Prior to and since the filing of the Application, the Parties have been engaged in efforts to informally resolve the issues in this case, assisted by the Office of the Ombudsman.
6. On 17 December 2015, the Applicant moved the Tribunal to suspend proceedings in this matter pending the outcome of ongoing informal settlement discussions until 8 February 2016.
7. On 22 December 2015, the Tribunal issued Order No. 395 (NBI/2015) granting the Parties' motion.
8. On 4 February 2016, the Parties filed the subject Motion of the present Order seeking an extension of the suspension of proceedings.

9. On the same day, the Registry informed the Parties by email that the Motion was granted and that an order will shortly follow.

10. On 12 February 2016, the Tribunal issued Order No. 022 (NBI/2016) granting the Parties' motion. The proceedings were suspended, and the deadline for the filing of the Respondent's Reply was set for 9 March 2016.

11. On 8 March 2016, the Parties jointly applied for further suspension of the proceedings given the progress that is being made in the settlement discussions between them.

12. On 9 March 2016, the Tribunal issued Order No. 093 (NBI/2016) granting the Parties' Motion.

13. On 7 April 2016, the Parties moved for further suspension of the proceedings to facilitate the Parties' ongoing settlement discussions.

14. On 23 May 2016, the Applicant informed the Tribunal that "despite the best efforts of the parties and the Office of the Ombudsman, the parties were unable to reach an informal agreement" in respect of the dispute before the Court. The Applicant moved for resumption of proceedings in this matter and for leave to amend her Application.

15. The Respondent submits that he does not object to the Application being amended, but requests that the Court "allows a period of 30 days" for him to file his reply to the amended application.

### **Deliberations and Order**

16. The Tribunal has reviewed the Applicant's Motion and the Parties' submissions and hereby **GRANTS** the Applicant's Motion for resumption of proceedings in this matter and leave to amend the Application.

17. The Tribunal makes the following **ORDERS**:
- i. The Applicant is **DIRECTED** to file the amended Application by **30 June 2016**.
  - ii. The deadline for the filing of the Respondent's Reply is likewise extended to **1 August 2016**.

*(Signed)*

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Judge Vinod Boolell

Dated this 31<sup>st</sup> day of May 2016

Entered in the Register on this 31<sup>st</sup> day of May 2016

*(Signed)*

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Abena Kwakye-Berko, Registrar, Nairobi