



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/170
UNDT/NBI/2016/072
Order No.: 051 (NBI/2017)
Date: 9 March 2017
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

HAILOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:
George Irving

Counsel for the Respondent:
Nicole Wynn, ALS/OHRM
Nusrat Chagtai, ALS/OHRM

The Application and Procedural History

1. At the time of the application, the Applicant served as 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. 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 United Nations Ombudsman & Mediation Services.

5. On 17 December 2015, the Applicant moved the Tribunal to suspend proceedings in this matter until 8 February 2016 pending the outcome of ongoing informal settlement discussions.

6. On 22 December 2015, the Tribunal issued Order No. 395 (NBI/2015) granting the parties' motion.

7. On 4 February 2016, the parties sought an extension of the suspension of proceedings.

8. On the same day, the Registry informed the parties by email that the motion was granted and that an order would shortly follow.

9. 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.

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

11. On 9 March 2016, the Tribunal issued Order No. 093 (NBI/2016) granting the parties' motion.

12. On 7 April 2016, the parties moved for further suspension of the proceedings to facilitate the ongoing settlement discussions.

13. 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 Tribunal. The Applicant moved for resumption of proceedings in this matter and for leave to amend her application.

14. The Respondent submitted that he did not object to the application being amended, but requested that the Tribunal "allows a period of 30 days" for him to file his reply to the amended application.

15. On 31 May 2016, the Tribunal issued Order No. 267 (NBI/2016) granting the Applicant's motion and setting fresh deadlines for the filing of the amended application and reply.

16. As Judge Boolell has completed his term as judge of the United Nations Dispute Tribunal, this matter has been transferred to the docket of Judge Hunter.

17. On 19 January 2017, the Tribunal issued Order No. 010 (NBI/2017) requiring submissions from the Applicant on compensation for the period 1 February 2014 through 30 June 2016.

18. On 23 January 2017, the Applicant filed her response to the Order No. 010 (NBI/2017).

19. On 14 February 2017, the Tribunal issued Order No. 035 (NBI/2017) setting this matter down for a case management discussion on 7 March 2017.

20. The CMD took place as scheduled.

The Discussion

21. The Respondent informed the Tribunal that the “exceptional approval” which was sought for the payment of Special Post Allowance (SPA) for the Applicant for having served at the FS6 level for the period February 2014 - June 2016, has now been received and that payment should shortly follow.

21. The Applicant moved for consolidation of this case with UNDT/NBI/2016/072 on grounds that both matters arise from the same set of facts.

22. Both parties are amenable to the matter being decided on the papers, subject to being given the opportunity to respond to each other’s witness statements. The parties would also appreciate the opportunity to file closing submissions.

Order

23. Having heard the parties, the Tribunal makes the following Orders:

- i. UNDT/NBI/2015/170 and UNDT/NBI/2016/072 are hereby **consolidated**;

- ii. The Applicant may file her response, if any, to the witness statement filed by the Respondent by **17 March 2017**;
- iii. The Applicant may file her own witness statement by **17 March 2017**;
- iv. The Respondent may file his response, if any, to the Applicant's witness statement by **24 March 2017**;
- v. The parties must file their respective closing submissions, in respect of both matters, by **10 April 2017**. The parties' closing submissions should include a statement of what has been paid to the Applicant for the periods 1 February 2012 – 31 January 2014 *and* February 2014 – June 2016.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 9th day of March 2017

Entered in the Register on this 9th day of March 2017

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi