



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2016/071  
Order No.: 117 (NBI/2018)  
Date: 9 August 2018  
Original: English

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**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

YABOWORK

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

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**Counsel for the Applicant:**  
Mariam Munang, OSLA  
Julia Kyung Min Lee, OSLA

**Counsel for the Respondent:**  
Sandra Baffoe-Bonnie, ECA  
Sibangilizwe Ndlovu, ECA

## **Introduction**

1. The Applicant is a staff member serving as a Human Resources Assistant at the G-7 level with the United Nations Economic Commission for Africa (ECA).
2. In her application filed on 21 September 2016, she challenges the decision not to extend her Special Post Allowance (SPA) even though she performs the higher-level responsibilities of a human resources officer.
3. The Respondent's reply was filed on 2 November 2016.
4. By motion dated 11 January 2017, the Applicant sought leave to respond to the reply so that she could provide clarification on several issues raised by the Respondent. The Applicant submits that she will suffer harm if her motion is not granted.
5. On 12 January 2017, the Tribunal issued Order No. 007 (NBI/2017) granting the Applicant's motion to respond to the Respondent's reply and directed her to file an amended application with submissions that are "concise and properly integrated into existing pleadings."
6. The Applicant filed submissions with the Tribunal on 26 January 2017 and further submissions on 27 January and 4 February 2017.
7. The Respondent moved for leave to respond to those submissions on 9 March 2017.
8. The Applicant submitted a further filing on 6 June 2017.
9. On 18 April 2018, the Tribunal issued Order No. 064 (NBI/2018) setting this matter down for a case management discussion on 8 May 2018.
10. On 9 May 2018, the Tribunal issued Order No. 078 (NBI/078) suspending proceedings in this matter as parties engaged the services of the Office of the Ombudsman and Mediation Services (OMS) to resolve the dispute between them.

11. On 9 August 2018, the Ombudsman informed the Tribunal that parties are still actively involved in mediating this case and applied for more time within which to conclude the settlement discussions.

**Directions and Orders**

12. The Tribunal commends the parties for their sustained efforts at having this matter resolved without recourse to litigation.

13. The Tribunal **GRANTS** the parties' motion for further suspension of proceedings.

14. Pursuant to art. 10.3 of the Statute of the Tribunal, and art. 19 of the Rules of Procedure, the matter of *Yabowork v Secretary-General of the United Nations* (Case No. UNDT/NBI/2016/071) is hereby further **SUSPENDED**.

15. The parties are **DIRECTED** to jointly advise the Tribunal of the status of their consultations by **14 September 2018**.

16. The Parties and/or OMS should advise the Tribunal on the status of mediation by **14 September 2018**;

*(Signed)*

Judge Nkemdilim Izuako

Dated this 9<sup>th</sup> of August 2018

Entered in the Register on this 9<sup>th</sup> of August 2018

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi