



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/088  
Order No.: 151 (NBI/2018)  
Date: 27 September 2018  
Original: English

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**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

COKER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**CASE MANAGEMENT ORDER**

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**Counsel for the Applicant:**

Roland Adjovi

**Counsel for the Respondent:**

Nicole Wynn, ALS/OHRM

Rosangela Adamo, ALS/OHRM

## **The Application and Procedural History**

1. At the time of the application, the Applicant served as a Civil Affairs Officer with the United Nations Mission in Liberia (UNMIL). He served on a fixed term appointment at the P-4 level.
2. On 7 December 2016, the Applicant filed an application challenging the Respondent's decision to terminate his appointment with UNMIL and the decision to terminate the appointment as of 31 August 2016, rather than on 28 February 2017 "as promised."
3. The Respondent replied on 9 January 2017.
4. On 4 September 2018, the Tribunal issued Order No. 129 (NBI/2018) setting this matter down for a case management discussion.
5. The CMD took place as scheduled on 11 September 2018.
6. On 13 September 2018, the Respondent informed the Tribunal that he does not consider this case as being "appropriate for mediation."
7. On 17 September 2018, the Tribunal issued Order No. 140 (NBI/2018) setting a schedule for the filing of the Respondent's additional submissions and the Applicant's sur-reply.
8. The parties were also directed to jointly advise the Tribunal of their views on the need for an oral hearing.
9. In response to Order No. 140 (NBI/2018), the Respondent filed his further submissions on 19 September 2018.
10. The Applicant filed his response to these further submissions on 21 September 2018.

11. On 25 September 2018, the Applicant informed the Tribunal that this matter can be decided on the basis of the parties' written submissions.

12. Counsel for the Respondent also filed submissions indicating that an oral hearing was not necessary in this matter. The Respondent's position was however based on the proviso that the Applicant shall be required to produce evidence of mitigation of damages, specifically, his efforts to secure employment since he was separated from the Mission.

### **Order**

13. Having carefully reviewed the parties' submissions, the Tribunal makes the following Orders:

- a) This matter will be determined on the basis of the parties' written submissions;
- b) The parties will file their respective closing submissions by **12 October 2018**;
- c) Should this matter be decided in favour of the Applicant, the Tribunal grants the Applicant's motion for further submissions to be filed on the question of damages, including efforts taken by the Applicant to mitigate the loss suffered. The Applicant's submissions and the Respondent's response on the question of damages must be filed **within 15 and 30 days, respectively, of the issuance of the judgment on liability.**

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 27<sup>th</sup> day of September 2018

Entered in the Register on this 27<sup>th</sup> day of September 2018

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi