



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/089  
Order No.: 166 (NBI/2018)  
Date: 25 October 2018  
Original: English

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

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

ALLEN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**CASE MANAGEMENT ORDER**

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**Counsel for the Applicant:**  
Brandon Gardner, OSLA

**Counsel for the Respondent:**  
Kong Leong Toh, UNOPS

## **Introduction**

1. At the time of this application, the Applicant was Country Director for the Somalia Programme under the UNOPS Kenya Operations Hub. He served at the P-5 level on a fixed term appointment and was based in Mogadishu.

## **The Application and Procedural History**

2. On 7 December 2016, the Applicant filed this application challenging the Respondent's decision to: i) place adverse material in his personnel file without providing him with the opportunity to rebut it; ii) place him on special leave with pay; and subsequently iii) not renew his appointment on the basis of unsubstantiated allegations.

3. The Respondent filed his reply to the application on 10 January 2017.

4. The Tribunal held a case management discussion (CMD) on 11 September 2018 during which the parties indicated a willingness to have this matter formally mediated so that the dispute can be resolved amicably and without recourse to litigation.

5. On 11 September 2018, the Tribunal issued Order No. 137 (NBI/2018) suspending the proceedings and referring this matter for mediation by the Office of the United Nations Ombudsman and Mediation Services (UNOMS).

6. On 20 October 2018, the Ombudsman informed the Tribunal that the parties were unable to reach an agreement through mediation.

## **Order**

7. The Tribunal therefore makes the following **ORDERS**:

- i. Order No. 137 (NBI/2018) is hereby vacated;

- ii. The parties are directed to file their respective closing submissions by **2 November 2018.**

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 25<sup>th</sup> day of October 2018

Entered in the Register on this 25<sup>th</sup> day of October 2018

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi