



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/115
Order No.: 222 (NBI/2019)
Date: 19 December 2019
Original: English

Before: Judge Agnieszka Klonowiecka-Milart
Registry: Nairobi
Registrar: Abena Kwakye-Berko

WABERI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for the Applicant:

Aleksandra Jurkiewicz, OSLA

Counsel for the Respondent:

Rosangela Adamo, AAS/ALD/OHR

Introduction

1. On 5 August 2019, the Applicant filed an application challenging the decisions of the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) to: (a) not pay her salaries and entitlements since July 2018; (b) lack of cooperation on the part of administration to resolve the issue of her salary and entitlements for more than a year; and (c) the implied decision by the MONUSCO Administration to hold her separation notification form (PF.4), thus preventing her from receiving her disability benefits.¹

2. On 8 November 2019, the Respondent filed a reply where it is argued that the application is not receivable *ratione materiae* on the basis that the Organization took steps to pay the Applicant's salary. The Respondent also submits that the Applicant's challenge to the decision to withhold her PF.4 form is moot because the Organization already remitted the form to the United Nations Joint Staff Pension Fund (UNJSPF) on 26 August 2019.

3. By Order No. 186 (NBI/2019) issued on 14 November 2019, considering the arguments raised by the Respondent in his reply, the Tribunal directed the Applicant to: (a) pronounce if she contests the facts as presented by the Respondent and, if so, precisely to what extent; (b) state whether she still maintains that there is a case to answer before the Tribunal and, if so, set out precisely its factual and legal basis.

4. On 13 December 2019, the Applicant filed the submissions pursuant to Order No. 186 (NBI/2019) and stated that indeed, some of her claims were resolved through informal mediation, while other claims remain unresolved.

¹ Application, section V.

Deliberations and Order

5. In light of the arguments raised in the Applicant's submissions, the Tribunal requests the Respondent to state his position with respect to factual and legal basis of the claims still being maintained by the Applicant.

6. The deadline for the filing of the submissions is **Friday, 3 January 2020**.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 19th day of December 2019

Entered in the Register on this 19th day of December 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi