



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/171
Order No.: 003 (NBI/2020)
Date: 6 January 2020
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

WANG'ONDU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for the Applicant:
Marcos Zunino, OSLA

Counsel for the Respondent:
Nisha Valabhji, UNON

Introduction

1. On 31 December 2019, the Applicant, a retired staff member, filed an application, pending management evaluation, seeking suspension of the decision by the United Nations Office at Nairobi (“UNON”) to revoke her and her spouse’s eligibility for After Service Health Insurance (“ASHI”) (“contested decision”).

Facts

2. The Applicant retired in 2010, two years before her mandatory retirement age. Based on advice from UNON’s Human Resources Management Services (“HRMS”), she opted to continue with the United Nations Medical Insurance Plan (“MIP”) for herself and her spouse as retirees. Since 2010, she has paid her MIP contributions yearly through UNON HRMS. In 2012, she received a withdrawal settlement from the United Nations Joint Staff Pension Fund.

3. On 16 December 2019, the Applicant received an email from the UNON Pension Focal Point informing her that the payment of the withdrawal settlement had extinguished all her entitlements, including the right to register with ASHI and that she and her spouse would be excluded from the list of retired staff members eligible for ASHI with immediate effect. She requested management evaluation of the contested decision on 30 December 2019.

4. The Respondent filed a reply on 3 January 2020 asserting, *inter alia*, that the application is not receivable *ratione materiae* because implementation of the impugned decision has been suspended by UNON pending management evaluation.

5. As UNON has suspended implementation of the impugned decision pending management evaluation, this application for suspension of action is moot and cannot be entertained by the Tribunal.

ORDER

6. This application for suspension of action is **DISMISSED**.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 6th day of January 2020

Entered in the Register on this 6th day of January 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi