



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/024
Order No.: 087 (NBI/2020)
Date: 5 May 2020
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ASLAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION TO HAVE RECEIVABILITY
DETERMINED AS A PRELIMINARY
MATTER**

Counsel for the Applicant:

Marcos Zunino, OSLA

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR

Rosangela Adamo, AAS/ALD/OHR

Introduction

1. By an application filed on 31 March 2020, the Applicant contests the decision rejecting his claim for compensation under Appendix D of the staff rules.¹
2. On 1 April 2020, the Registry served the application on the Respondent with a deadline for his reply set to Monday, 4 May 2020.
3. On 30 April 2020, the Respondent filed a motion requesting the Tribunal to determine the receivability of the application as a preliminary matter. By the same motion, the Respondent also requests the suspension of the deadline of 4 May 2020 to file his reply pending the Tribunal's determination of the motion.

Considerations

4. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure, the Tribunal may issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.
5. Having considered the Respondent's reasons in support of his motion, the Tribunal decides as follows:

ORDER

6. The motion of the respondent is granted and the deadline to file a reply on the merits is suspended until a determination of receivability as a preliminary matter, at minimum on a *prima facie* basis.
7. The parties will file submissions outlining their position with respect to the following issues:
 - a. Whether the email dated 10 December 2019 from Claims & Entitlements Team (DO), Kuwait Joint Support Office ("KJSO") amounts to an

¹ Application, section V.

expression, on behalf of the Respondent, of an administrative decision in the sense of art. 2 of the UNDT statute;

b. If the answer to point (a) above is positive, what its relation to the email of 6 June 2019 is; and

c. What the basis of the Respondent's averment that management evaluation was not requested, in relation to the Applicant's annex 19 and 20 is.

8. These submissions will be filed by **Monday, 11 May 2020**.

(Signed)

Judge Agnieszka Klonowiecka-Milart
Dated this 5th day of May 2020

Entered in the Register on this 5th day of May 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi