



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

WABERI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Brandon Gardner, 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 the 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 withhold her separation notification form (“PF.4”), thus preventing her from receiving her disability benefits.¹

2. On 13 December 2019, the Applicant filed submissions stating that some of her claims had been resolved through informal mediation, in particular, the release of her PF.4 form and payment of a substantial part of her salary and allowances. However, the following unresolved issues remain: (a) payment of the amount equivalent to 72 days of sick leave on full pay; (b) adequate compensation for moral harm resulting from the lack of cooperation on the part of administration to resolve the issue for more than 14 months.²

3. On 3 January 2020, the Respondent filed submissions responding, among others, to the Applicant’s claim of the amount equivalent to 72 days of sick leave on full pay. The Respondent submits that the claim is not receivable *ratione materiae* because the Applicant did not request management evaluation of the administrative decision regarding her sick leave entitlements in accordance with the applicable rules.³

Deliberations and Order

4. The Tribunal notes that the Respondent restricted his submissions on the issue of receivability only. The Tribunal does not find *prima facie* lack of receivability. It, therefore, requests the Respondent to file submissions on the merits of the

¹ Application, section V.

² Applicant’s submissions in response to Order No. 186 (NBI/2019), filed on 13 December 2019.

³ Respondent’s submissions in response to Order No. 222 (NBI/2019), filed on 3 January 2020.

Applicant's claim for payment of an amount equivalent to 72 days of sick leave on full pay.

5. The deadline for the filing of the submissions is **Monday, 15 June 2020**.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 2nd day of June 2020

Entered in the Register on this 2nd day of June

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi