



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2020/098
UNDT/NBI/2021/010
Order No.: 127 (NBI/2021)
Date: 25 June 2021
Original: English

Before: Judge Margaret Tibulya
Registry: Nairobi
Registrar: Abena Kwakye-Berko

SCHWALM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER TO FURTHER SUSPEND
PROCEEDINGS PENDING SETTLEMENT
DISCUSSIONS**

Counsel for the Applicant:
Brandon Gardner, OSLA

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR
Rosangela Adamo, AAS/ALD/OHR

Introduction

1. The Applicant is a P-4 Joint Operations Officer with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”).

Procedural History

2. The Applicant has two applications pending before the United Nations Dispute Tribunal sitting in Nairobi.

3. On 16 December 2020, she challenged the Respondent’s decision to strip her off her existing functions and reassign her.

4. On 2 February 2021, she challenged the decision “not to implement the MEU determination to rollback and complete her 2017-2018 ePAS, as well as the Administration’s failure to complete and furnish her in a timely fashion with her ePAS for 2018-2019 and 2019-2020.”

5. Both matters are currently the subject of *inter partes* settlement discussions, and the parties have jointly moved the Tribunal for proceedings in both cases to be further suspended.

6. The parties inform the Tribunal that subsequent to the issuance of Order No. 101 (NBI/2021), settlement discussions have been productive and that they are currently finalising the terms of the settlement agreement. To this end, the parties moved the Tribunal to extend the suspension of proceedings by another two weeks.

7. The Respondent additionally seeks postponement of the deadline for the filing of his replies until 9 July 2021.

Deliberations and Order

7. The Tribunal hereby orders that the proceedings in UNDT/NBI/2020/098 and UNDT/NBI/2021/010 be suspended until **Friday, 9 July 2021**.

8. Should the settlement process fail for any reason, the deadline for the filing of the Respondent's reply in both matters is **Tuesday, 13 July 2021**.

(Signed)

Judge Margaret Tibulya

Dated this 25th day of June 2021

Entered in the Register on this 25th day of June 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi