



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MKHABELA

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:
Self-represented

Counsel for the Respondent:
Elizabeth Gall, BMS/OLS, UNDP

Introduction

1. On 27 July 2021, the Applicant, a former Coordination Specialist, professional National Officer category, C level, the United Nations Resident Coordinator Office (“RCO”), Mbabane, Eswatini, filed an application before the Dispute Tribunal contesting the decision by the Resident Coordinator (“RC”) to deviate from the agreed transition Plan for restructuring the RCO Eswatini.¹
2. The Application was served on the Respondent on 11 August 2021 with a deadline to file his reply by 13 September 2021.
3. On 18 August 2021, the Respondent filed a motion in which he requests that the Tribunal should determine the receivability of the application as a preliminary matter pursuant to articles 9 and 19 of the Rules of Procedure. In the motion, the Respondent argues that the application is not receivable *ratione temporis* and *ratione materiae*. The Respondent also seeks a suspension of the 13 September 2021 deadline for the filing of the reply pending the Tribunal’s determination of the Motion.

ORDERS

4. The Tribunal grants the Respondent’s Motion to determine receivability as a preliminary matter.
5. The Applicant shall specify whether she wishes to challenge the decision on the change to the Transition Plan or a decision to not extend her appointment. Having determined the scope of the claim, the Applicant may present arguments regarding receivability of the application. The response should not exceed two pages and should be filed no later than 5.00 p.m. (Nairobi time) on Thursday **26 August 2021**.
6. The deadline for the reply is suspended pending the Tribunal’s determination of the motion or as shall otherwise be advised by the Tribunal.

¹ Application, Section V.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 20th day of August 2021

Entered in the Register on this 20th day of August 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi