



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2021/101  
Order No.: 259 (NBI/2020)  
Date: 9 December 2021  
Original: English

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**Before:** Judge Margret Tibulya

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

BARBER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for the Applicant:**  
Shubha Suresh Naik, OSLA

**Counsel for the Respondent:**  
Yehuda Goor, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant is a former staff member who served as a Close Protection Officer in the United Nations Support Office in Somalia (“UNSOS”), in Mogadishu, Somalia. On 30 November 2021, he filed an application seeking the rescission of the 15 January 2019 decision of the Secretary of the Advisory Board on Compensation Claims (“ABCC”).<sup>1</sup>

2. The deadline for submission of the reply is 31 December 2021.

3. On 8 December 2021, the Respondent filed a motion requesting the Tribunal to address receivability as a preliminary matter pursuant to art. 19 of the UNDT Rules of Procedure. In the said motion, the Respondent also requests the Tribunal to (i) dismiss the application as not receivable; and (ii) suspend the Respondent’s deadline to file a reply pending the Dispute Tribunal’s determination of this motion.

4. The case has been assigned to the present Judge solely for the purpose of a ruling on the motion.

## **ORDERS**

5. The Respondent’s motion is partially granted.

6. The deadline for the reply is suspended until the case is assigned to a judge who will rule on whether receivability will be determined as a preliminary matter.

*(Signed)*

Judge Margaret Tibulya

Dated this 9<sup>th</sup> day of December 2021

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<sup>1</sup> Application, section I.

Entered in the Register on this 9<sup>th</sup> day of December 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi