



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/065
Order No.: 060 (NBI/2022)
Date: 24 May 2022
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

TIBAGWA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Edward Patrick Flaherty

Counsel for the Respondent:
Marisa Maclellan, UNHCR

Introduction

1. On 15 August 2020, the Applicant, a former High Commissioner's Representative, at the P-5, step 13 level, working with the United Nations High Commissioner for Refugees ("UNHCR") in Harare, Zimbabwe, filed an application before the Dispute Tribunal.¹

2. He contests three decisions, namely: (i) the decision by the Inspector General's Office ("IGO"), UNHCR, to continue to conduct an investigation while he was on certified, service incurred sick leave; (ii) the decision of the Department of Human Resources ("DHR"), UNHCR, to refuse to empanel a medical board to determine his fitness to respond to the claims of misconduct which he denominates "medical leave case"; and (iii) the decision to dismiss him for misconduct.²

3. The Respondent filed a reply on 16 September 2020, where it is argued that the application is without merit.

Deliberation

4. The Tribunal considers that judicial efficiency will be better served by separating the Applicant's claims and disposing of them as set out below.

ORDERS

5. The Applicant's claims (i) and (ii), i.e., the "medical case" are separated for adjudication and with this respect the Tribunal will proceed to judgment;

6. Regarding the Applicant's claim (iii), the case is directed for a management discussion. The Registry is hereby instructed to consult the parties in order to set a suitable date and time.

¹ Application, section II.

² Application, section V.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 24th day of May 2022

Entered in the Register on this 24th day of May 2022

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi