



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/057

Order No.: 017 (NBI/2023)

Date: 24 January 2023

Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

JACKSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Edwin Nhliziyo

Counsel for the Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Maureen Munyolo, AS/ALD/OHR, UN Secretariat

Background

1. On 1 July 2022, the Applicant, a former P-4 Finance and Budget Officer with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”) in Bangui, filed an application to the United Nations Dispute Tribunal contesting the 26 January 2022 decision by the Assistant-Secretary-General Office of Human Resources (“ASG/OHR”). The details of the contested decision are summarized as follows:

[...] retroactive payment of tax liability for (a) State tax amounting to \$70 131 over the period 2015-2020 and (b) underpayment of \$7 868 federal tax due to inaccurate earnings statement provided by the tax office.

2. The Respondent filed a reply to the application on 5 August 2022 denying any breach of discretionary powers and asking the Dispute Tribunal to dismiss the claim. Further, the Respondent argued that part of the claim is moot as the Administration met its obligations toward reimbursement to the Applicant of the 2019-2020 State tax liability.

3. Pursuant to Order No. 005 (NBI/2023), a case management discussion (“CMD”) was scheduled for 23 January 2023 at 4.00 p.m. (Nairobi time) but could not proceed because Counsel for the parties were still engaged before this Tribunal in another CMD in Case No. UNDT/NBI/2022/049. The parties agreed to reschedule the CMD.

ORDERS

4. A virtual CMD will take place on 31 January 2023 at 3.00 p.m. (Nairobi time, UTC +3) using Microsoft Teams.

5. At the CMD, the Tribunal and the parties will:

a. Ascertain whether the parties are amenable to considering an alternative informal resolution to the dispute;

- b. Agree on the claims and issues in the case;
 - c. Identify the factual and legal issues to be determined;
 - d. Consider what further information, if any, is required;
 - e. Identify any documents to be disclosed;
 - f. Consider if the case may be decided based on the documents, or whether a hearing should be held, and, if there is to be a hearing, to set the dates, identify the witnesses to be called and the documents to be presented; and
 - g. Discuss any other matter relevant to these proceedings.
6. The parties or their duly designated representatives shall attend the CMD. The Registry shall provide a link to access the meeting.
7. The parties are reminded that recording of courtroom proceedings is not permitted.



Judge Rachel Sophie Sikwese

Dated this 24th day of January 2023

Entered in the Register on this 24th day of January 2023



Abena Kwakye-Berko, Registrar, Nairobi