



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2022/124  
Order No.: 019 (NBI/2023)  
Date: 24 January 2023  
Original: English

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**Before:** Judge Rachel Sophie Sikwese

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

PASI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE RESPONDENT'S  
MOTION TO SUSPEND THE DEADLINE  
TO FILE A REPLY PENDING A RULING  
ON THE RESPONDENT'S MOTION FOR  
SUMMARY JUDGMENT**

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**Counsel for the Applicant:**

Self-represented

**Counsel for the Respondent:**

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Maureen Munyolo, AS/ALD/OHR, UN Secretariat

## **Background**

1. On 22 December 2022, the Applicant filed an application challenging a decision by the Advisory Board on Compensation Claims denying his compensation claim for illness that he claims he incurred during performance of official duties on behalf of the United Nations Mission in South Sudan.
2. The deadline for submission of the reply is 27 January 2023.
3. On 13 January 2023, the Respondent filed a motion requesting the Tribunal to summarily dismiss the application pursuant to art. 9 of the Dispute Tribunal's Rules of Procedure and suspend the Respondent's deadline to file a reply pending the 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.

## **Considerations**

5. Article 9 of the UNDT Rules of Procedure stipulates that,  
  
[a] party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.
6. In the present case, in the absence of a full and complete reply from the Respondent and without giving the Applicant an opportunity to respond on the motion for summary judgment, the Tribunal determines that this is not an appropriate case for summary judgment.

## **IT IS ACCORDINGLY ORDERED**

7. The Respondent's motion to suspend the deadline for the reply pending a ruling on the motion for summary judgment is refused.

8. The Respondent shall file a reply on the merits as per the deadline of 27 January 2023 as communicated by the Registry.



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Judge Rachel Sophie Sikwese

Dated this 24<sup>th</sup> day of January 2023

Entered in the Register on this 24<sup>th</sup> day of January 2023



Abena Kwakye-Berko, Registrar, Nairobi