



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/057
Order No.: 026 (NBI/2023)
Date: 1 February 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. A case management discussion (“CMD”) was held on 31 January 2023.

ORDERS

4. By or before 7 February 2023, the Applicant shall file his management evaluation response and provide further and better details of the provisions of the State and Federal tax codes relevant to his case.

5. The Respondent shall file a response to the Applicant’s submissions (paragraph four above) by 14 February 2023.

6. A hearing of the case on the merits shall be held from 1 to 2 March 2023.

7. Counsel for the Respondent shall file with the Registry an agreed trial bundle by or before 27 February 2023. The parties shall identify the witnesses they intend to call for the hearing and shall incorporate the witness statements in the trial bundle.

8. The parties or their duly designated representatives shall attend the hearing. The Registry shall provide a link to access the hearing.

9. The parties are reminded that recording of courtroom proceedings is not permitted.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 1st day of February 2023

Entered in the Register on this 1st day of February 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi