



**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

MUNYWOKI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
Jacob van de Velden, DAS/ALD/OHR, UN Secretariat  
Andrea Ernst, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By an application filed on 15 March 2023, the Applicant contests his dismissal from service in accordance with staff rule 10.2(a)(ix).
2. On 17 May 2023, the Respondent filed a reply where it was argued that the application is without merit and that it should be rejected.
3. On 3 July 2023, the Applicant filed a motion for temporary relief. He submits that, following his separation from service, the Organization has not paid him any emoluments. He further states that the Administration has not released his Separation Notification Form (PF/4) to the United Nations Joint Staff Pension Fund (“UNJSPF”), hence delaying the processing of his pension. He claims that the failure to pay him and to release his separation form have left him financially crippled.
4. In view of the Applicant’s submissions in the application and the said motion, the Tribunal held a case management discussion (“CMD”) on 12 July 2023.

## **Deliberations**

5. Regarding the motion, the parties declared readiness to explore the possibility of settling the claims amicably. Accordingly, the parties agreed to consult on the exact terms whereby the Administration would release the Applicant’s Separation Notification Form to UNJSPF, with instructions to the UNJSPF to deduct from the pension payments the amount owed to the Organization. With this arrangement, the Applicant offered to withdraw the motion.
6. The Applicant supplemented his oral submission with a written notice of withdrawal of the motion filed on 13 July 2023.
7. In relation to the hearing of the case on its merits, the Applicant indicated that he challenges the allegation that he committed fraud and that he influenced a witness. In his view, he did not commit misconduct and the sanction was disproportionate.

8. On the need for oral evidence, the parties agreed that the evidence on the record was sufficient and that, therefore, there is no need to hold a hearing. Thus, the parties waived a hearing and submitted the case on the record already presented.

## **ORDERS**

9. The parties shall engage in consultations with a view to amicably settling the claims in the motion;

10. The Applicant's request to withdraw his motion for temporary relief is granted; and

11. The parties, if they so wish, shall file their closing submissions by **26 July 2023**. The submissions shall not exceed five pages.

*(Signed)*

Judge Sean Wallace

Dated this 13<sup>th</sup> day of July 2023

Entered in the Register on this 13<sup>th</sup> day of July 2023

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi