



**Before:** Duty Judge  
**Registry:** Nairobi  
**Registrar:** Wanda L. Carter

MUGOYI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER ON THE RESPONDENT'S  
MOTION TO DETERMINE  
RECEIVABILITY AS A  
PRELIMINARY MATTER**

---

**Counsel for Applicant:**

Julia Kyung Min Lee, OSLA

**Counsel for Respondent:**

Wei Zhuang, DAS/ALD/OHR, UN Secretariat  
Talha Konukpay, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 27 November 2024, the Applicant, a former Associate Disarmament, Demobilization and Reintegration Officer with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”), filed an application contesting the decision to delay the issuance of his personnel payroll clearance action form (“P.35”) and notification to the United Nations Joint Staff Pension Fund (PF.4 form).
2. The deadline for the filing of the Respondent’s reply is 3 January 2025.
3. On 20 December 2024, the Respondent filed a motion requesting the Tribunal to: (i) determine the receivability of the application as a preliminary matter and thereafter dismiss it; and (ii) suspend the Respondent’s deadline for the filing of the reply pending the determination of the motion.

## **Consideration**

4. The Tribunal, in accordance with arts. 19 and 35 of its Rules of Procedure, considers that it would be appropriate for the fair and expeditious disposal of the case to partially grant the Respondent’s motion.

## **Conclusion**

5. In view of the foregoing, it is ORDERED THAT
  - a. The Applicant shall file a rejoinder on the issue of receivability on or before **Monday, 6 January 2025**.
  - b. Along with his arguments on receivability, the Applicant shall indicate the specific administrative decision that he is seeking to have reviewed, and whether or not he requested management evaluation of the contested decision. The Applicant shall submit a copy of the contested administrative decision and, if he requested management evaluation of that decision, a copy of the request.

- c. The rejoinder shall not exceed three pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.
- d. The deadline for the Respondent's reply is suspended pending the determination of the motion.

*(Signed)*

Judge Sun Xiangzhuang (Duty Judge)

Dated this 23<sup>rd</sup> day of December 2024

Entered in the Register on this 23<sup>rd</sup> day of December 2024

*(Signed)*

Wanda L. Carter, Registrar, Nairobi