



**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** Wanda L. Carter

BAGUMA CHIZIMWA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE RESPONDENT'S  
MOTION FOR RECEIVABILITY TO  
BE DETERMINED AS A  
PRELIMINARY ISSUE**

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**Counsel for the Applicant:**

Kalaycia Clarke, OSLA

**Counsel for the Respondent:**

Wei Zhuang, DA/ALD/OHR, UN Secretariat

Talha Konukpay, DA/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant in this matter previously served as a Liaison Assistant with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”). He held a fixed term appointment at the G5 level and was based in Kamanyola, DRC.

## **Procedural History**

2. On 3 January 2025, the Applicant filed an application with the United Nations Dispute Tribunal (“UNDT”) challenging the Respondent’s decision to “delay the issuance of the Applicant’s payroll action form (P.35) until the conclusion” of an investigation by the Office of Internal Oversight Services (OIOS) against him for possible fraud. His pension has also been withheld.

3. On 24 January 2025, the Respondent filed a motion seeking a determination by the Tribunal, as a preliminary matter, that the application is not receivable. In the alternative, the Respondent moves the Tribunal to summarily dismiss the application in its entirety on grounds that the impugned decision is not one that is appealable before the Tribunal. The Respondent also requests the Tribunal to suspend the deadline for the filing of his substantive reply to the Application until this motion is determined.

## **Consideration**

4. The Tribunal has carefully considered the Respondent’s arguments and is not persuaded that the facts make this matter suitable for receivability to be determined as a preliminary matter, nor summary dismissal to be granted.

## **ORDERS**

5. Having considered the motion, the Tribunal hereby ORDERS:

- a. The Respondent’s Motion to determine receivability as a preliminary matter and/or summarily dismiss the application is DENIED;

b. The Respondent will file his reply to the application by **6 February 2025**;

c. The Applicant will file his response to the Respondent's reply by **17 February 2025**. This rejoinder should address, *inter alia*, the receivability arguments raised by the Respondent in his motion.

*(Signed)*

Judge Sean Wallace

Dated this 27<sup>th</sup> day of January 2025

Entered in the Register on this 27<sup>th</sup> day of January 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi