



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/024
UNDT/NBI/2025/070
Order No.: 103 (NBI/2025)
Date: 21 July 2025
Original: English

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

SNIDER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON APPLICANT'S MOTION TO
ADDUCE ADDITIONAL EVIDENCE
AND SEEK SUSPENSION**

AND

**PARTIES' JOINT MOTION SEEKING
SUSPENSION OF PROCEEDINGS**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Alistair Cummings, UNICEF
Chinonyelum Esther Uwazie, UNICEF

Introduction and Procedural History

1. The Applicant is the wife of the Decedent, a Security Adviser for the United Nations Children's Fund (UNICEF) on secondment to Mogadishu, Somalia until his death on 16 September 2020.
2. On 10 February 2021, the Applicant filed a claim with the United Nations Advisory Board on Compensation Claims (ABCC) requesting that the Decedent's death be determined as service incurred, pursuant to Appendix D, Article 5.3.
3. On 19 October 2023, ABCC denied the claim, finding that the Decedent's death was not service incurred.
4. On 18 June 2024, the Applicant filed a request to reopen the claim to consider new evidence. On 26 December 2024, ABCC denied the request.
5. On 28 February 2025, the Applicant filed an application with the United Nations Dispute Tribunal contesting the 19 October 2023 ABCC determination, seeking rescission of the decision and a finding that the Decedent's death be recognized as service incurred. The application was registered as UNDT/NBI/2025/024 (hereinafter, "Case No. 024").
6. On 19 March 2025, the Respondent filed a "Motion to have receivability determined as a preliminary matter", averring that the application was not receivable *ratione temporis*. The Applicant contested the motion on 24 March 2025. On 26 March 2025, the Tribunal issued Order 038 (NBI/2025) issued 26 March 2025, denying, without prejudice, the Respondent's request to have receivability determined as a preliminary matter.
7. The Respondent filed its Reply on 2 April 2025, again asking that the application be rejected in its entirety as not receivable, and in the alternative, that the application be dismissed as without merit in that the 19 October 2023 ABCC decision was lawfully taken.

8. On 23 June 2025, the Tribunal issued Order # 091 directing the parties to file their closing submissions on or before 23 July 2025.

9. On 9 July 2025, the Applicant filed a new application with the Tribunal challenging ABCC's 26 December 2024 decision not to reopen her claim, cited at para. 4, *infra*. This case was registered by the Tribunal at UNDT/NBI/2025/070 (hereinafter, "Case No. 070).

10. The Respondent was served with Case No. 70 on 16 July, with instructions to file its Reply by 15 August 2025.

11. On 16 July, the Applicant filed this "Motion to Adduce New Evidence and Seek Suspension", seeking suspension of the proceedings in Case No. 024, based on information that on 17 April 2025, the *ex-officio* Medical Advisor to the ABCC had requested the ABCC Secretariat to reconsider the Applicant's Appendix D claim.

12. In response to email query from the Registry, the parties filed a "Joint Motion Seeking Suspension of Proceedings" in Case No. 070 on 21 July 2025, requesting a 90-day suspension.

Consideration

13. The Tribunal has reviewed the parties' submissions on the suspension of proceedings in both aforementioned cases.

14. Article 10.1 of the UNDT Statute and gives the Tribunal the authority to suspend proceedings in a case at the request of the parties.

15. The 17 April 2025 letter from the ABCC *ex-officio* Medical Advisor which the Applicant seeks to adduce forms the basis for the Applicant's information that the matter has been referred back to ABCC for a reconsideration of a new determination decision.

16. The underlying basis of Case No. 24 is the unfavorable decision by the ABCC with respect to the Applicant's Appendix D claim, and the basis of Case No. 70 is ABCC's failure to reconsider that decision. A reconsideration of the ABCC claim would render the claims brought under Case No. 70 moot. Further, a favorable decision by the ABCC in its reconsideration would potentially render the cause of action brought under Case No. 24 moot.

17. Although the parties' joint motion references Case No. 70, the Respondent does not indicate any opposition to the Applicant's initial request for extension in Case No. 24. Further, the Tribunal, in its email query to the parties clearly indicated that the same treatment would be accorded both cases.

18. The Tribunal will consider the Respondent's acquiescence to the suspension and its acknowledgement and reference to the 17 April 2025 letter from the *ex officio* Medical Advisor as a lack of objection to the admission of that letter. The Tribunal finds that the letter is critical to a determination on the issue of reconsideration, and therefore, critical to a determination of suspension of these proceedings.

19. Therefore, in the interest of a fair and expeditious disposal of the case, and in light of the parties' joint request, the Tribunal deems it appropriate to order a suspension of the proceedings in both cases filed this matter in order to allow the new request for reconsideration that is pending before the ABCC to be ruled on.

Conclusion

20. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion to adduce evidence, i.e, the 17 April 2025 letter from the *ex officio* Medical Advisor, is granted.
- b. The Applicant's motion for suspension of proceedings in UNDT/NBI/2024/024 is granted.

- c. The joint motion for suspension of proceedings in UNDT/NBI/2025/070 is granted.
- d. The proceedings in both UNDT/NBI/2025/024 and UNDT/NBI/2025/070 are hereby temporarily suspended until **Monday, 20 October 2025**.
- e. The Respondent's reply, which would have been due on 15 August 2025, is also waived during the time of the suspension, and the Tribunal shall advise the Respondent of a new date to file its reply, as applicable.
- f. The Applicant shall keep the Tribunal and the Respondent apprised of any movement with respect to his filing with ABCC that will impact upon the proceedings in the two cases.
- g. The Applicant shall file necessary pleading with respect to the status of the proceedings on or before the expiry of the term of suspension by Monday, 20 October 2025.

(Signed)
Judge Sean Wallace (Duty Judge)
Dated this 21st day of July 2025

Entered in the Register on this 21st day of July 2025

(Signed)
Wanda L. Carter, Registrar, Nairobi