



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2014/053

Judgment  
No.: UNDT/2016/205

Date: 17 November



9. The CMD took place on 18 August 2016. Both parties were represented by Counsel and the Applicant was present. The purpose of the CMD was to clarify and agree the issues in contention and to determine what further action, if any, was required in order to reach a judicial determination on the merits. It appeared to the Tribunal, in the course of the CMD, that notwithstanding the issue of receivability the parties should be given the opportunity to explore the benefits of an alternative resolution to their dispute (ADR). The parties agreed and the CMD was suspended.

10. On 19 August 2016, the Tribunal issued Order No. 417 (NBI/2016) in which it directed the parties to file a joint motion indicating whether agreement had been reached to resolve this matter.

11. On 20 September 2016, the parties jointly requested an extension of time to conclude their discussions towards a resolution.

12. By Order No. 437 (NBI/2016) dated 21 September 2016, the Tribunal granted a stay of proceedings until 7 October 2016.

13.



25. On 1 July 2009, the Applicant's husband was promoted to the FS-5/II level retroactive to September 2008.

26. In August 2010, the Applicant was also promoted to FS-5/III level with UNSOA. It is noted that as of August 2010, the Applicant and her husband were at the same level and step. There was a brief period between May 2013 and July 2013, when the Applicant was temporarily promoted to FS-6 level and was therefore receiving a higher salary.

27. On 13 November 2013, the Applicant received a letter from the UNSOA Chief Civilian Personnel Office informing her that she was not entitled to receive dependency allowance for her son

entire January salary of USD6,222.60, with the remainder to be recovered in installments over the length of the Applicant's appointment.

30.

subject of a request for management evaluation and that both the request and the claim to the Tribunal complied with the required deadlines and time limits.

35.

could have been filed as an appeal to the Tribunal. It was not the claim that was filed with the Tribunal on 25 June 2014.

## **JUDGMENT**

39. The Application is dismissed.

*(Signed)*

Judge Goolam Meeran

Dated this 17<sup>th</sup> day of November 2016

Entered in the Register on this 17<sup>h</sup> day of November 2016

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi