
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/094

Order No.: 229 (NBI/2020)

Date: 23 November 2020

Original: English

Before: Judge Margaret Tibulya

Registry:

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR
Rosangela Adamo, AAS/ALD/OHR

Introduction

1. The Applicant is a Movement Control Assistant at the ~~ES~~ level working with the United Nations Support Office in Somalia (“UNSOS”).
2. On 17 November 2020, the Applicant filed before the United Nations Dispute Tribunal in Nairobi an application for suspension, pending management evaluation, of a decision by UNSOS to deduct from his salary a sum of ~~US\$~~ USD 5,032.33. This case was registered as Case No. UNDT/NBI/2020/092.
3. On 19 November 2020, the Tribunal issued Order No. 228 (NBI/2020) and dismissed the application on the ground that the contested decision was not unlawful.
4. On the same day, 19 November 2020, the Applicant once more filed the same application as the one he had filed on ~~17~~ November 2020, seeking suspension, pending management evaluation, of a decision by UNSOS to ~~deduct~~ deduct from his salary a sum of USD 5,032.33.
5. Article 13 of the UNDT Rules of Procedure requires only that the Tribunal transmit a copy of the suspension of action (“SOA”) application to the Respondent and to issue a decision within five days thereof. ~~Since~~ There is no requirement under art. 2.2 of the UNDT Statute or art. 13 of the Rules of Procedure, for the Tribunal to await the Respondent’s response before the Applicant’s request is considered, the Tribunal decided to adjudicate the current SOA application without the Respondent’s reply.

Considerations

6. The Tribunal notes that the facts and remedies sought in this application are similar to those of the application in Case No. UNDT/NBI/2020/092 which the

¹ Application, section I.

² Application, section V.

Applicant filed on 17 November 2020 and which the Tribunal disposed of on 19 November 2020. There is therefore no need for re-examining this application.

7. Accordingly, the facts and considerations in Order ~~228~~ (NBI/2020) will apply *mutatis-mutandis* to this application.

Conclusion

8. The application is dismissed.

(Signed)

Judge Margaret Tibulya

Dated this 23rd day of November 2020

Entered in the Register on the 25th day of November 2020

(Signed)

Abena Kwakye Berko, Registrar, Nairobi