



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/089
Order No.: 137 (NBI/2018)
Date: 11 September 2018
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ALLEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

Brandon Gardner, OSLA

Counsel for the Respondent:

Kong Leong Toh, UNOPS

Introduction

1. At the time of this application, the Applicant was Country Director for the Somalia Programme under the UNOPS Kenya Operations Hub. He served at the P5 level on a fixed term appointment and was based in Mogadishu.

2. On 7 December 2016, the Applicant filed this application challenging the Respondent's decision to i) place adverse material in his personnel file without providing him with the opportunity to rebut it; ii) place him on special leave with pay; and subsequently iii) not renew his appointment on the basis of unsubstantiated allegations.

3. The Respondent filed his reply to the application on 10 January 2017.

4. On 4 September 2018, the Tribunal issued Order No. 132 (NBI/2018) setting this matter down for a case management discussion (CMD).

The Discussion

5. The CMD took place as scheduled on 11 September 2018.

6. Both parties indicated a willingness to have this matter formally mediated so that the dispute can be resolved amicably and without recourse to litigation.

Order

7. The Tribunal strongly believes that the parties should engage in meaningful consultations towards having this matter resolved. In the interest of efficient use of the Tribunal's resources and the expeditious conduct of proceedings, the Tribunal, pursuant to arts. 10.3 of the UNDT Statute and 15.1 of the Rules of Procedure firmly urges the parties in this matter to consult and deliberate in good faith with the assistance of the Ombudsman towards having this matter informally resolved.

8. The Tribunal therefore makes the following **ORDERS**:

- i. The Registry is **DIRECTED** to serve a copy of this Order on OSLA;
- ii. The Registry is **DIRECTED** to serve a copy of this Order on the Office of the Ombudsman and Mediation Services (OMS);
- iii. The parties and/or OMS should advise the Tribunal on the status of this mediation by **5 October 2018**;
- iv. The proceedings in the matter of *Allen v Secretary General of the United Nations* (UNDT/NBI/2016/089) are hereby suspended pending mediation.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 11th day of September 2018

Entered in the Register on this 11th day of September 2018

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi