



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/014
Order No.: 240 (NBI/2020)
Date: 21 December 2020
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

DJIDDA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Jonathan Croft, AAS/ALD/OHR
Lucienne Pierre, AAS/ALD/OHR

Introduction

1. On 10 February 2020, the Applicant, a former Political Affairs Officer, at the P-4, step 9 level, working with the United Nations Mission for the Referendum in Western Sahara in Laayoune, filed an application before the Dispute Tribunal.¹ He contests a disciplinary measure of separation from service, with compensation in lieu of notice and without termination indemnity, following charges of submitting false financial claims.²

2. The Respondent filed a reply on 28 February 2020.

3. The Tribunal notes that the application and reliefs claimed do not extend over the decision on deductions, however, both the Applicant and the Respondent admit that among them were legitimate expenses incurred by the Applicant. More specifically, the Applicant, in his response to the allegations, at para. 10, expressly states that “I realize that not every claim I submitted is covered [under EG] and I am prepared to reimburse for any amounts I was not entitled to”. Further, in his reply to the allegations, the Applicant alleges that certain expenses were not properly claimed in a formal sense, however, they would have been reimbursable and filed numerous invoices which are alleged to relate to the disputed claims.³ For the sake of clarity, the Tribunal, therefore, seeks information on the extent of the undue claims.

4. In light of the above, the Tribunal directs as follows:

ORDERS

5. The Applicant will clearly indicate the expenses which he claims had been actually incurred and would have been legitimately reimbursable if properly and timely claimed, and what documents support those expenses. Each position shall be clearly

¹ Application, section I.

² Application, section V; Application annex 1.

³ Application, annex 5; Reply, annex 4, p. 9 (Applicant’s response to the allegations, annex 1).

indicated in a table form against the amount claimed, amount spent and the proof referenced and attached.

6. The Applicant shall also clearly state the amounts that he received and which he acknowledges that he was not entitled to and thus were rightly recovered by the Organization.

7. The Respondent shall state whether any of the Applicant's expenses among those indicated by the Applicant would have been accepted as proven and reimbursable, if properly and timely claimed.

8. The Applicant shall provide the information required in paragraphs 5 and 6 by **7 January 2021**. Failure to comply with the Order will result in a rejection of any expense claimed as legitimate beyond what is presently acknowledged by the Respondent. The Respondent will file his response within 10 days from the Applicant's filing.

(Signed)

Judge Agnieszka Klonowiecka-Milart
Dated this 21st day of December 2020

Entered in the Register on this 21st day of December 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi