



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

KYALEMANINWA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Marco Gambardella, OSLA

Counsel for Respondent:

Wei Zhuang, DAS/ALD/OHR, UN Secretariat
Talha Konukpay, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant served as a Construction and Maintenance Worker at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”) on a fixed-term appointment. He separated from the United Nations on 30 June 2024.
2. On 6 February 2025, the Applicant filed an application contesting the Respondent’s decision to withhold his final separation entitlements and to delay the release of the “Staff Member’s Separation Notification Form” and the issuance of his “Personnel/Payroll Clearance Action Form” until the conclusion of the investigation against him for possible fraud by the Office of Internal Oversight Services (“OIOS”) (“the contested decision”).
3. The Respondent filed a reply on 10 March 2025.

Consideration

4. This is one of many similar cases currently before the Tribunal arising from the withholding of entitlements and pension paperwork pending an alleged investigation into medical insurance fraud at MONUSCO. Given the length of time that elapsed since the Applicant was notified that he was the subject of an investigation and the decision to withhold his entitlements, the Tribunal considers it necessary for a fair and expeditious disposal of the case for the Respondent to produce evidence of all investigative activity in relation to the allegations of possible fraud by the Applicant.
5. This evidence will also help the Tribunal to determine whether there was a legitimate investigation at the time of the contested decision and whether any delays were an aberration or systemic problems.
6. The Tribunal considers that this case can be determined based on the written record and that there is no need for an oral hearing. The Tribunal, however, may convene a Case Management Discussion in the future if one is deemed necessary.

7. The Tribunal strongly encourages the parties, and the Respondent especially, to consider resolving this matter *inter partes*.

Conclusion

8. In light of the foregoing, it is ORDERED THAT:

- a. On or before **Friday, 25 April 2025**, the Respondent shall produce evidence of all investigative activity into the fraud complaint against the Applicant.
- b. On or before **Friday, 25 April 2025**, the parties shall apprise the Tribunal of the status of their settlement discussions.
- c. On or before **Friday, 16 May 2025**, the parties shall file their closing submissions.
- d. The closing submissions shall not exceed 10 pages in font Times New Roman, font size 12 and line spacing of 1.5 lines. The cover page and the page containing the list of annexes and signatures shall not be included in counting the number of pages.
- e. These deadlines and requirements will not apply if the parties apprise the Tribunal that they have resolved the dispute in this case.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 11th day of April 2025

Entered in the Register on this 11th day of April 2025

(Signed)

Liliana López Bello, for Wanda L. Carter, Registrar, Nairobi