



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

MUGOYI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR LEAVE TO FILE
ADDITIONAL DOCUMENTS AND
DEADLINE FOR CLOSING
SUBMISSIONS**

Counsel for Applicant:

Julia Kyung Min Lee, OSLA

Counsel for Respondent:

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

Introduction

1. On 27 November 2024, the Applicant filed an application contesting the decision to delay the issuance of his personnel payroll clearance action form (“P.35”) and notification to the United Nations Joint Staff Pension Fund (PF.4 form) (“the contested decision”).
2. On 7 March 2025, the Tribunal issued Order No. 27 (NBI/2025) directing the parties, *inter alia*, to file submissions detailing what the legal issues are in the case taking into account the facts arising since 20 May 2024 when the Applicant was notified of the contested decision.
3. On 20 March 2025, the parties complied with Order No. 27 (NBI/2025) as directed.
4. On 18 April 2025, the Applicant filed a motion seeking leave to adduce additional evidence under art. 18.1 of the Dispute Tribunal Rules of Procedure. The Applicant submits that the additional documents he seeks to adduce are relevant and necessary to refute the Respondent’s newest assertions contained in the Respondent’s response to Order No. 27 (NBI/2025).
5. The Respondent filed a response to the Applicant’s motion to file additional documents on 9 May 2025. The response does not object to the additional evidence being submitted; it only argues that the evidence does not support the conclusion that Applicant claims it does.

Considerations

6. Article 18.1 of the UNDT Rules of Procedure provides that the “Dispute Tribunal shall determine the admissibility of any evidence”. In accordance with art. 18.5, the Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous, or lacking in probative value.
7. Pursuant to art. 18.5 of the Rules of Procedure, in exercising the discretion whether to admit the evidence proposed by the Applicant, the primary consideration

is whether the documents have probative value and are relevant to the facts at issue in this case.

8. The proffered evidence seems relevant to the issues in this case and thus should be admitted. The conclusions to be drawn from that evidence are reserved for the judgment to be issued on the merits.

9. The Tribunal considers the extensive pleadings and the documents on record are now sufficient for adjudication of this case without need for a hearing. The Tribunal, however, will allow the parties to file brief closing submissions.

Conclusion

10. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion for leave to file additional documents is granted;
- b. The Respondent's Annex R/15 is also admitted into the case record;
- c. The parties shall file closing submissions by **5 p.m. on Thursday, 26 June 2025**; and
- d. The closing submissions shall not exceed five pages (excluding the cover and signature pages), in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 12th day of June 2025

Entered in the Register on this 12th day of June 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi