



UNITED NATIONS DISPUTE TRIBUNAL

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Case Nos.:	UNDT/NBI/2025/001 UNDT/NBI/2025/023
Order No.:	86 (NBI/2025)
Date:	13 June 2025
Original:	English

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

BAGUMA CHIZIMYA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
MOTION FOR JOINDER AND  
DEADLINE FOR CLOSING  
SUBMISSIONS**

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**Counsel for the Applicant:**

Kalaycia Clarke, OSLA

**Counsel for the Respondent:**

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

## **Background**

1. On 3 January 2025, the Applicant, a former staff member of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”) filed an application challenging the Respondent’s decision to delay the issuance of his payroll action form (“P.35”) until the conclusion of an investigation by the Office of Internal Oversight Services (“OIOS”) against him for possible fraud. That case is registered as Case No. UNDT/NBI/2025/001.

2. The Respondent filed a reply to Case No. UNDT/NBI/2025/001 on 6 February 2025. At para. 11 of the reply, the Respondent submits that, on 28 October 2024, OIOS concluded its investigation into the Applicant’s alleged misconduct and produced an investigation report of the same date.

3. On 28 February 2025, the Applicant filed another application which is registered as Case No. UNDT/NBI/2025/023. In this case the Applicant describes the contested decision as follows:

Decision to withhold the Applicant’s final separation entitlements in their entirety until a review of his case or a disciplinary process has been concluded and the findings support the imposition of financial recovery and to delay the issuance of the Applicant’s personnel payroll clearance action form (“P.35”) until he has provided a form of surety or entered into a split payment agreement with UNJSPF in the amount of his estimated indebtedness exceeding his final entitlements, namely US\$13,401.79. It is of note that although the letter does not refer to the delay of the PF.4 form, the release of the Applicant’s PF.4 form has also been delayed since the P35 and PF.4 are linked. The Administration never established that the Applicant was indebted to the Organization. The Applicant suffered financial loss and moral harm as a result of this unlawful decision.

4. The Respondent filed a reply to Case No. UNDT/NBI/2025/023 on 16 April 2025.

5. On 28 February 2025, the Applicant filed a motion requesting to join Case Nos. UNDT/NBI/2025/001 and UNDT/NBI/2025/023 on the grounds that both cases involve the same parties, the same legal issues, and similar facts.

6. The Respondent has not filed a response contesting the motion and thus is deemed to have consented.

### **Considerations**

7. Article 19 of the UNDT Rules of Procedure provides that the “Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties”.

8. Having examined the Applicant’s submissions, the Respondent’s lack of objection and the context from which the two applications arise, (forming a continuum of similar facts and legal issues), the Tribunal agrees that a fair and expeditious disposal of the cases will be better served by having the two cases joined. The contested decisions in the consolidated case will rise or fall on their own merits.

9. The Tribunal also considers that the 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 closing submissions.

### **ORDERS**

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

- a. The Applicant’s motion to join Case Nos. UNDT/NBI/2025/001 and UNDT/NBI/2025/023 is granted.
- b. The consolidated case will retain the two case numbers.
- c. The parties shall file closing submissions in the consolidated case by **5 p.m. on Friday, 27 June 2025.**

Case Nos. UNDT/NBI/2025/001  
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d. The closing submissions shall not exceed 10 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 13<sup>th</sup> day of June 2025

Entered in the Register on this 13<sup>th</sup> day of June 2025

*(Signed)*  
Wanda L. Carter, Registrar, Nairobi