



**Before:** Judge Rachel Sophie Sikwese

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

MARUSCHAK

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Self-represented

**Counsel for the Respondent:**

Jacob van de Velden, DAS/ALD/OHR, UN Secretariat

Sergei Gorbylev, DAS/ALD/OHR, UN Secretariat

## **Introduction and background**

1. The Applicant is a former Field Security Officer with the United Nations Interim Force in Lebanon (“UNIFIL”). In his application to the United Nations Dispute Tribunal (“UNDT”) dated 24 June 2019, he challenged his separation from service for misconduct, with compensation in lieu of notice and without termination indemnity, having been found to have driven his personal vehicle after consuming alcohol and causing his vehicle to collide with an Italian contingents’ United Nations armoured vehicle (“the contested decision”).

2. On 20 December 2023, UNDT issued Judgment No. UNDT/2023/140, deciding that:

a. The application was partially successful in so far as the facts on which the contested decision was based were not established under the applicable standard.

b. Through his conduct in the proceedings, the Applicant undermined his integrity particularly as an international civil servant and in his functional capacity as Chief in the field of Security.

c. He had destroyed the mutual trust and confidence necessary in an employment relationship. For these reasons, rescission of the contested decision was declined.

d. The Tribunal awarded USD500 costs against the Applicant for manifest abuse of proceedings.

3. The Applicant appealed the judgment to the United Nations Appeals Tribunal (“UNAT”), and on 2 May 2025, UNAT published Judgment No. 2025-UNAT-1529, holding that:

Mr. Maruschak's appeal is granted in part, and Judgment No. UNDT/2023/140 is hereby reversed. The matter of the appropriate remedies is remanded to the UNDT to determine the following:

- a. the appropriate remedy for rescission of the contested decision; and
- b. the appropriate quantum for costs for abuse of process.

4. In its Judgment, UNAT directed that the UNDT may wish to seek additional submissions from the parties on the above two points.

5. On 12 May, the Respondent filed an application before the UNAT for interpretation of Judgment 2025-UNAT-1529, and, on 15 May 2025, the Respondent filed a "Motion to stay the UNDT proceedings" in this remanded case pending determination of the UNAT application.

6. On 18 August 2025, the Tribunal held a Case Management Discussion ("CMD"). At the CMD, the Tribunal heard from the Respondent on the said motion and determined that it would not be appropriate, for the fair and expeditious disposal of the case, to grant the motion primarily because the directions from UNAT to the UNDT on remand were clear and unequivocal. The Tribunal was not satisfied that their immediate implementation would prejudice the Respondent's interests.

## **Conclusion**

7. In view of the discussions and finding at the CMD, it is hereby ORDERED that:

- a. The Respondent's motion to stay the proceedings in this matter is denied.
- b. The Respondent shall file submissions and additional documentation on the appropriate remedy for the Applicant's unlawful separation and on the appropriate quantum for costs for abuse of process by 5 p.m. (Nairobi time) on Tuesday, 30 September 2025.

c. The Applicant shall file his observations/response to the Respondent's submissions by or before 5 p.m. (Nairobi time) on Friday, 31 October 2025.

d. The said submissions in 2(b) and (c) above should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

*(Signed)*

Judge Rachel Sophie Sikwese

Dated this 18<sup>th</sup> day of August 2025

Entered in the Register on this 18<sup>th</sup> day of August 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi