



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NBI/2025/092
Order No.:	182 (NBI/2025)
Date:	8 October 2025
Original:	English

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

OJUOLAPE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

Elizabeth A. Interlandi, UNFPA
André L.P de Oliveira, UNFPA

Introduction

1. By application filed on 1 September 2025, the Applicant contests United Nations Population Fund's ("UNFPA") decision to withhold his separation payments and the request for him to reimburse the Organisation.
2. The Respondent submitted a reply on 3 October 2025, where it is argued that the decision was lawfully taken and meets the criteria set out in staff rule 10.1(b) and the Tribunal's jurisprudence in *Elobaid* UNDT/2025/032.
3. The Respondent further argues that the legal framework allowing for loss recovery does not require the finalization of the disciplinary process. Staff rule 10.1(a) requires a determination of misconduct, which was made by UNFPA. The determination of misconduct meets the criteria elaborated in *Elobaid*, namely that the conduct amounted to misconduct, was willful, and caused financial loss to UNFPA.

Consideration

Reliance on an incorrect jurisprudence

4. The Tribunal notes that the Respondent cites to "*Elobaid* UNDT/2025/032". However, Judgment No. UNDT/2025/032 is *Akhtab*. The Respondent may have intended to cite to *Elobaid* Judgment No. UNDT/2025/034. In this regard, the Respondent is required to clarify the exact judgment on which he wishes to rely.

Filing of a rejoinder

5. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue any order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.
6. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file a rejoinder and respond to the issues raised in the reply.

Amicable settlement

7. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

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

- a. By **Friday, 10 October 2025**, the Respondent shall clarify the exact judgment on which he wishes to rely.
- b. By **Wednesday, 22 October 2025**, the Applicant shall file a rejoinder responding to the issues raised in the reply, particularly the Respondent's arguments contained in paras. 28 to 40 of the reply. The rejoinder shall be no longer than five pages.
- c. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Wednesday, 29 October 2025**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 8th day of October 2025

Entered in the Register on this 8th day of October 2025

(Signed)

Isaac Endeley, for Wanda L. Carter, Registrar, Nairobi