



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2023/043  
Order No.: 137 (NBI/2023)  
Date: 14 September 2023  
Original: English

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**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** Eric Muli, Officer-in-Charge

NGO MASSO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**  
Daniel Bikai

**Counsel for the Respondent:**  
Elizabeth Gall, BMS/OLS, UNDP

## **Introduction**

1. The Applicant is a former Administrative Clerk at the G-4 level with the United Nations Office for the Coordination of Humanitarian Affairs (“OCHA”) Yaoundé, Cameroon, under a United Nations Development Programme (“UNDP”) fixed-term appointment (“FTA”). On 6 May 2023, she filed an application contesting the disciplinary measure of separation from service with compensation in lieu of notice and with termination indemnity, imposed by letter from the UNDP Associate Administrator, dated 8 February 2023.

2. On 6 June 2023, the Respondent filed his reply in which he contested the receivability of the application, claiming that the disciplinary measure is proportionate with a rational connection between the Applicant’s misconduct and the objective of staff discipline.

3. By Order No.124 (NBI/2023) dated 1 August 2023, the Tribunal directed the parties to file a jointly signed statement on or before 22 August 2023. The purpose of this statement was further identification of disputed issues and agreed facts.

4. On 22 August 2023, in compliance with Order No.124 (NBI/2023), the parties filed a jointly signed statement.

## **Case management**

5. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time, either on an application of a party or on its own initiative, issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

6. The Tribunal decided to hold a Case Management Discussion (“CMD”) via Microsoft Teams starting at 4.00 p.m. (Nairobi Time, UTC +3) on 8 September 2023.

7. During the CMD, the parties were directed to discuss any outstanding matters. They agreed to waive a hearing and to have the case determined on the basis of the existing file and the agreed facts.

8. Having taken into consideration the pleadings of the parties, the Tribunal has concluded that the case can be determined based on the pleadings filed by the parties.

### **ORDERS**

9. On or before 26 September 2023, the parties shall file their final submissions. Absent any evidentiary submission, the Tribunal shall deem that the parties agree for it to proceed to judgment based on the record before it.

10. The submission shall not exceed five pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

*(Signed)*

Judge Sean Wallace

Dated this 14<sup>th</sup> day of September 2023

Entered in the Register on this 14<sup>th</sup> day of September 2023

*(Signed)*

Eric Muli, Officer-in-Charge, Nairobi