



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

ABBAS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Hydar Majook

Counsel for the Respondent:
Yehuda Goor, AS/ALD/OHR, UN Secretariat

Introduction

1. On 5 June 2023, the Applicant, a former Supply Assistant working with the United Nations Mission in South Sudan, filed an application contesting the Administration's decision to separate him from service.
2. On 13 June 2023, the Respondent filed a motion requesting the Tribunal to: (i) dismiss the application as not receivable, and (ii) suspend the Respondent's deadline for the filing of the reply pending the determination of the motion.
3. By Order No. 113 (NBI/2023), issued on 27 June 2023, the Tribunal partially granted the Respondent's motion. The deadline for the Respondent's reply was suspended pending the determination of the motion. By the same Order, the Tribunal also directed the Applicant to file a rejoinder on the issue of receivability by or before 10 July 2023.
4. The Applicant complied and filed his submissions pursuant to Order No. 113 (NBI/2023) on 8 July 2023.

Deliberations

5. The Respondent argues that the application is not receivable because, *inter alia*, the Applicant did not request management evaluation and the application is time-barred. The merits of these arguments are dependent upon the nature of the challenged decision.
6. Although the submissions thus far indicate that the Applicant was separated from service, it is not clear whether the separation was disciplinary or otherwise. Paragraph four of the investigation report (filed as an annex to the application), partly states that "Abbas was separated from service whilst the current matter was unresolved"). Therefore, there is a need for the Respondent to submit a copy of the contested decision and clearly clarify the ground on which the Applicant was separated from service.

7. Further, on the issue of timeliness, in paragraph seven of his response to Order No. 113 (NBI/2023), the Applicant's representative claims that the Applicant is in an incapacitated state. However, he did not provide any supporting documentation or substantiate the claim of incapacity. That information and documentation is needed in order to evaluate whether, in fact, the Applicant is incapacitated and thus the applicable filing deadline.

8. The Tribunal further notes that the Applicant has a "representative", who states that he is a United Nations staff member and left blank question IV.4. about jurisdictions in which a private lawyer is admitted to practice. Thus, it appears that the "representative" is not a lawyer. Due to the nature of this case, the Tribunal finds it appropriate for the Applicant to seek support from the Office of Staff Legal Assistance ("OSLA").

ORDERS

9. On or before **6 November 2023**, the Applicant shall submit supporting documentation on his claim of incapacity;

10. The Tribunal advises the Applicant that he may seek legal support from OSLA, which can be reached at:

Office of Staff Legal Assistance

2 United Nations Plaza,

Room DC2-0650

New York, NY 10017, USA

Telephone: +1 212-963-3957

Fax: +1 212-963-0252

E-mail: osla@un.org

OSLA Nairobi

Telephone: + 254-20-762-6734

11. On or before **12 October 2023**, the Respondent shall submit a copy of the contested decision and clearly clarify the ground on which the Applicant was separated from service.

(Signed)

Judge Sean Wallace

Dated this 5th day of October 2023

Entered in the Register on this 5th day of October 2023

(Signed)

Eric Muli, Officer-in-Charge, Nairobi