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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/092  
Order No.: 228 (NBI/2020)  
Date: 19 November 2020  
Original: English

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**Before:** Judge Margaret Tibulya

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

ARMAND

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON AN APPLICATION FOR  
SUSPENSION OF ACTION PENDING  
MANAGEMENT EVALUATION**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**

## **Introduction**

1. The Applicant is a Movement Control Assistant at the FS-5 level working with the United Nations Support Office in Somalia (“UNSOS”).<sup>1</sup>
2. On 17 November 2020, the Applicant filed before the United Nations Dispute Tribunal in Nairobi an application for suspension, pending management evaluation, of a decision by UNSOS to deduct from his salary a sum of USD5,032.33.<sup>2</sup>
3. Article 13 of the UNDT Rules of Procedure requires only that the Tribunal transmit a copy of the suspension of action (“SOA”) application to the Respondent and to issue a decision within five days thereof. Since there is no requirement under art. 2.2 of the UNDT Statute or art. 13 of the Rules of Procedure, for the Tribunal to await the Respondent’s response before the Applicant’s request is considered, the Tribunal decided to adjudicate the current SOA application without the Respondent’s reply.

## **Facts**

4. The Applicant joined UNSOS on 11 January 2016 in Somalia, where he still serves as a Movement Control Assistant.<sup>3</sup>
5. Since 2018, the Applicant has had proceedings in court in Florida, the United States of America, relating to divorce with his spouse and child maintenance.<sup>4</sup>
6. On 2 April 2018, the Court in Miami-Dade County, Florida, granted a provisional order directing the Applicant to pay child maintenance. The calculations were made based on the monthly gross salary of the Applicant of USD22,125.91 and a net income of USD15,748.99, the amounts which, according to the Applicant, were not correct.<sup>5</sup>

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<sup>1</sup> Application, section I.

<sup>2</sup> Application, section V.

<sup>3</sup> Application, section VII, para 1.

<sup>4</sup> Application, section VII.

<sup>5</sup> Application, section VII, para. 9.



particular urgency and that the implementation of the decision would appear to cause irreparable damage.

*Whether the decision to deduct a sum of USD5,032.33 from the*

