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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/073  
Order No.: 210 (NBI/2021)  
Date: 5 October 2021  
Original: English

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**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

KHAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

**ORDER**

## **Introduction**

1. The Applicant is a staff member of the United Nations High Commissioner for Refugees (“UNHCR”).
2. He filed an application on 7 September 2020 to contest the following decisions: (i) non-authorization of his medical evacuation when he was acutely ill; (ii) non-authorization for an escort to accompany him during his medical travel; (iii) denial of security evacuation allowance for his family; and (iv) failure to convert his administrative status to security evacuation following his medical travel.
3. The Respondent filed his reply to the application on 12 October 2020 moving the Tribunal to dismiss the application on jurisdictional grounds as it was not timely and in any event the decision was lawful and justified on the merits.
4. The Applicant filed comments in response to the Respondent’s reply on 18 October 2020.
5. On 21 September 2021 at a scheduled case management discussion (“CMD”), the Tribunal issued Order No. 184 (NBI/2021)

Case No. UNDT/NBI/2020/73

Order No. 210 (NBI/2021)

8. By motion filed on 27 September 2021, the Applicant sought permission to file comments in response to the Respondent's submission.

9. On 1 October 2021 the Respondent filed a submission informing the Tribunal that he respectfully declines to resolve this matter *inter partes* or with the assistance of the Ombudsman.

### **Considerations and Order**

10. The Tribunal takes note of the position taken by the Respondent. As mediation can only effectively be engaged in when *both* parties are willing, the Respondent's submission on this issue lotN TJd0.000008873 0 595.44 841ei04700481 0 0 358.94 543.5

Case No. UNDT/NBI/2020/73

Order No. 210 (NBI/2021)

*(Signed)*

Judge Eleanor Donaldson-Honeywell

Dated this 5<sup>th</sup> day of October 2021

Entered in the Register on this 5<sup>th</sup> day of October 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi