

Case No.: UNDT/NBI/2023/086
Order No.: 65 (NBI/2024)
Date: 11 June 2024

Introduction

1. By an application filed on 24 December 2023, the Applicant contests an administrative decision which he describes as follows:

Decision to withhold the Applicant's final separation entitlements, including salary, and to delay the release of the Staff Member's Separation Notification Form ("PF.4") and the issuance of his Personnel/Payroll Clearance Action Form ("P.35") ("UNJSPF entitlements") until the conclusion of the investigations against him for possible fraud by the Office of Internal Oversight Services ("OIOS"). The Administration failed to inform the Applicant that an OIOS investigation was ongoing at the time of his separation, failing to observe its duty to act fairly, justly, and transparently in its dealings with staff members. The Administration never established that the Applicant was indebted to the Organization. The Applicant suffered financial loss and moral harm as a result of this unlawful decision.

Amicable settlement

6. 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.

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

a. By **Tuesday, 25 June 2024**, the Applicant shall file a rejoinder. The rejoinder shall not exceed five pages.

b. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Tuesday, 2 July 2024**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 11th day of June 2024

Entered in the Register on this 11th day of June 2024

(Signed)

Eric Muli, Legal Officer, for René M. Vargas M., Officer-in-Charge, Nairobi