



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2022/026  
Order No.: 014 (NBI/2023)  
Date: 24 January 2023  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

RIECAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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

**Counsel for the Respondent:**  
Nicole Wynn, AS/ALD/OHR  
Maureen Munyolo, AS/ALD/OHR

## Introduction

1. The Applicant is a former staff member of the United Nations Economic and Social Commission for Western Asia (“ESCWA”).<sup>1</sup> He commenced his retirement effective 1 September 2022.<sup>2</sup>

2. By an application filed on 7 March 2022, the Applicant challenges a decision of the Executive Secretary of ESCWA to reassign him from his former post of Chief of Statistics at the D-1 level to the position of D-1 Senior Advisor on Innovation and Technology, effective 21 September 2021, (the position he encumbered just prior to retirement) and requests the Tribunal to award him compensation for the financial and moral harm suffered.<sup>3</sup>

3. The Respondent filed a reply on 7 April 2022 in which it is argued that the contested decision was legal, rational and procedurally correct.<sup>4</sup>

4. The Tribunal held a case management discussion (“CMD”) on 17 October 2022. During the CMD, the parties declared readiness to explore the possibility of informally settling the case and indicated that suspension for a period of three months would be needed to explore suitable options. The Tribunal, accordingly, suspended the proceedings in the present case until 16 January 2023, while the parties pursued informal attempts to resolve the dispute.

5. On 13 January 2023, the Respondent informed the Tribunal that the parties failed to reach an agreement to informally resolve the case. The Respondent, accordingly, requested the Tribunal to proceed to determine the case on its merits.

6. In light of the above, the Tribunal **ORDERS** as follows:

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

<sup>2</sup> Applicant’s submission during the case management discussion held on 17 October 2022.

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

<sup>4</sup> Reply, para. 2.

## ORDERS

7. **On or before 30 January 2023**, in reference to the application, at paragraphs 27 and 28, the Applicant is ordered to file a copy of the complaint that he submitted to the Office of Internal Oversight Services and provide the updated information on the result of this complaint.

8. By the same deadline, the parties shall file submissions regarding any other evidence, from persons or documents, or argument on disputed facts, under the sanction that they may be estopped from filing it at a later time. The Applicant is reminded that he bears the burden of proving improper motive behind the contested decision.

9. Absent evidentiary motions, the Tribunal shall proceed to judgment based on the record before it.



Judge Agnieszka Klonowiecka-Milart  
Dated this 24<sup>th</sup> day of January 2023

Entered in the Register on this 24<sup>th</sup> day of January 2023



Abena Kwakye-Berko, Registrar, Nairobi