



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/022

Order No.: 129 (NY/2020)

Date: 27 August 2020

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

FORTEAU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Nusrat Chagtai, ALD/OHR, UN Secretariat

Introduction

1. On 25 August 2020, pursuant to Order No. 125 (NY/2020), the Applicant filed a submission responding to the Respondent's reply.

Consideration

2. In the reply, the Respondent submits that the Secretary of ABCC took the contested decision under the delegation of authority from the Controller dated 22 May 2017. The Respondent submits that the Controller has delegated authority to the Secretary of ABCC to "waive, or deny, requests for waiver of the deadline for filing claims under Appendix D".

3. In the submission responding to the reply, the Applicant submits that such authority cannot be delegated to the Secretary of ABCC via memorandum from the Controller, and that the contested decision can be made only upon the advice of ABCC itself under Appendix D.

4. According to ST/SGB/2019/2 (Delegation of authority in the administration of the Staff Regulations and Rules and the Financial Regulations and Rules), which entered into force on 1 January 2019, the Secretary-General has "rescind[ed] all existing delegations of authority and subdelegations of authority under the Staff Regulations and Rules and the Financial Regulations and Rules issued to any official of the United Nations, other than the executive heads of separately administered and funded subsidiary organs, institutions, funds and programmes of the United Nations" (sec. 1.1).

5. The Tribunal notes that Annex IX, Delegation of human resources authorities, of ST/SGB/2019/2, provides that authorities relating to compensation for death, injury

and illness (Appendix D) are delegated to the Under-Secretary-General of Department of Management Strategy, Policy and Compliance (“USG/DMSPC”).

6. Considering that the Secretary of ABCC took the contested decision on 11 January 2019 after ST/SGB/2019/2 already entered into force and that the delegation of authority memorandum of 22 May 2017 was issued before ST/SGB/2019/2 took effect, the Tribunal orders the Respondent to submit evidence that the Secretary of ABCC had delegated authority to take the contested decision on 11 January 2019.

IT IS ORDERED THAT:

7. By **4:00 p.m. on Thursday, 3 September 2020**, the Respondent is to file documentation as described in para. 6 above.

8. Thereafter, the Tribunal will decide the case based on the papers before it.

(Signed)

Judge Joelle Adda

Dated this 27th day of August 2020