



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/047

Order No.: 062 (NY/2022)

Date: 15 July 2022

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Pallavi Sekhri, Officer-in-Charge

BLYTHE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Yehuda Goor, ALD/OHR, UN Secretariat

Introduction

1. On 22 December 2020, the Applicant, a staff member in the Department of Management, Strategy, Policy and Compliance (“DMSPC”), appealed (a) the rejection of his candidature for the post of Secretary of the Board of the United Nations Joint Staff (“UNJSPF”), and (b) his subsequent reassignment to a temporary post in DMSPC.

2. On 21 January 2021, the Respondent replied stating that the application is partly non-receivable and, in any event, without merit.

3. By Order No. 025 (NY/2022) of 7 March 2022, at the parties’ request, the Tribunal ordered the parties, *inter alia*, to submit whether they request the production of any additional evidence, and in the case no witnesses are requested to be called, if any of the parties wishes a hearing to be held for them to present their case in person to the Tribunal.

4. On 21 March 2022, the Applicant duly filed his submission, stating, *inter alia* that “[t]he Applicant does not request the production of any documents by the Respondent. He does, however, request leave to file [...] additional documentation, including medical evidence and to proceed with submitting a rejoinder to the Respondent's reply in order to address subsequent developments and issues raised in the reply”. The Applicant does not foresee the need for a hearing to call witnesses or to present his case in person if leave is granted to file a rejoinder with the additional documentation indicated.

5. On 22 March 2022, the Respondent filed his submission stating, *inter alia*, the Respondent objects to the Applicant’s request to admit medical evidence. In respect of the Applicant’s other requests to admit additional evidence to the record, the Respondent does not object but reserves the right to contest the weight and relevance of such evidence. The Respondent does not oppose the Applicant’s request to file a rejoinder, subject the Respondent receiving permission to make a further submission as well. Finally, the Respondent does not seek disclosure of any documents and does not wish to call any witnesses, with the exception of medical witnesses should the

Dispute Tribunal decide to admit the medical evidence. The Respondent states that a hearing is not required in this case, subject to the same exception.

Consideration

6. Having reviewed the parties' submissions, the Tribunal considers it appropriate and in the interests of justice to direct the parties to file further submissions.

7. In light of the above,

IT IS ORDERED THAT:

8. By **4:00 p.m. on Friday, 22 July 2022**, the Respondent shall file his submissions in respect of the weight and relevance of the additional documentation the Applicant wishes to file.

9. By **4:00 p.m. on Friday, 29 July 2022**, the Applicant shall file his response to the Respondent's reply and the Respondent's submissions on the additional documentation the Applicant wishes to file.

10. Upon receipt of the above-referred submissions, the Tribunal will issue further instructions on case management.

(Signed)

Judge Joelle Adda

Dated this 15th day of July 2022