UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2014/017
Judgment No.: UNDT/2015/073
Date: 11 August 2015
Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Hafida Lahiouel

GALLO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:
Paul Harris, S.C.

Counsel for Respondent:
Stéphanie Cochard, HRLU, UNOG
Kara Nottingham, HRLU, UNOG

Introduction

1. The Applicant, a former Investigator at the P-4 level with the Office of Internal Oversight Services ("OIOS"), contests the decision of the Under-Secretary-General ("USG") of OIOS to establish a fact-finding panel to investigate a complaint of prohibited conduct against him under ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority).

2. The Applicant seeks an order by the Tribunal overturning the decision made by the USG/OIOS on 31 January 2014 to appoint a panel under ST/SGB/2008/5 to investigate the alleged prohibited conduct on 14 January 2014. Furthermore, he requests, in the absence of such finding by the Ethics Office, the Tribunal to find that there exists a *prima facie* case of retaliation against the Applicant, in the form of his end of cycle appraisal dated 26 June 2013 and the series of complaints made against him in the period from 14 March 2013 to 31 January 2014, following on from the protected act of the report of misconduct he made on 11 March 2013. Finally, he asks the Tribunal to remove the panel members from the fact-finding investigation on the grounds that the appointment of any OIOS staff member to any investigative panel established to investigate alleged misconduct by any other OIOS staff member, by definition, carries the inherent risk of a perceived conflict of interests.

3. The Respondent claims that the application is not receivable *ratione materiae* as it does not concern a final administrative decision under art. 2.1(a) of the Dispute Tribunal's Statute, but a preliminary step in the process of investigating a third party complaint against the Applicant.

4. With the consent of the parties, in Order No. 70 (NY/2015) dated 28 April 2015, the Tribunal determined that the preliminary issue of receivability *rationae materiae* was to be decided on the papers before it.

Factual and procedural background

5. On 20 December 2013, the Dispute Tribunal issued *Nguyen-Kropp & Postica* UNDT/2013/176.

6. On Tuesday 14 January 2014, on a whiteboard in the Investigations Division, OIOS, was written: "If the facts don't fit the theory, change the facts". In reference to the Dispute Tribunals' judgment in *Nguyen-Kropp & Postica*, and allegedly for satirical purposes, the Applicant changed the ending to read: "If the facts don't fit the theory, change the photographs" and attributed the quote to another staff member in OIOS.

7. By interoffice memorandum dated 17 January 2014, the Applicant's first reporting officer requested the USG/OIOS to initiate a formal investigation into the matter as a "third party complainant" in accordance with sec. 5.11 of ST/SGB/2008/5.

8. By interoffice memorandum dated 31 January 2014, the USG/OIOS tasked a current and a former staff member of OIOS to investigate as a fact-finding panel the first reporting officer's report against the Applicant for prohibited conduct under ST/SGB/2008/5. On the same date, by interoffice memorandum, the USG/OIOS informed the Applicant of the initiation of the fact-finding investigation and the establishment of the panel.

9. By request for management evaluation dated 4 February 2014, the Applicant contested the decision of the USG/OIOS to establish the fact-finding panel under ST/SGB/2008/5.

10. By interoffice memorandum dated 10 March 2014, the Management Evaluation Unit ("MEU") informed the Applicant that it had considered that:

> … the preliminary investigative phase is ongoing and that the administrative procedures set out in ST/SGB/2008/5 have not yet reached an outcome in terms of a decision by the responsible official

> to take one of the courses of action specified in Section 5.18 therein. The MEU considered that … your request for management evaluation is premature and therefore not receivable.

11. On 20 March 2014, the Applicant filed his application with the Dispute Tribunal. The Respondent's reply was filed on 21 April 2014. As directed by Order No. 95 (NY/2014) dated 24 April 2014, the Applicant filed a response to the reply on 5 May 2014.

12. The case was assigned to the undersigned Judge on 2 July 2014.

13. By Order No. 300 (NY/2014) dated 6 November 2014, the Tribunal directed the Respondent to respond to the Applicant's 5 May 2014 submission and called the parties for a Case Management Discussion ("CMD").

14. In response to Order No. 300 (NY/2014), on 28 November 2014, the Respondent explained that the fact-finding panel had completed its investigation on 31 March 2014 and that, on 9 April 2014, upon review of the fact-finding panel's report, the USG/OIOS referred the matter to the Office of Human Resources Management ("OHRM") pursuant to sec. 5.18(c) of ST/SGB/2008/5. The Respondent further stated that the Secretary-General had decided to delegate to UNICEF the authority to assess, administer and make a recommendation on the final solution of the matter but that the Secretary-General would retain the final decision-making authority.

15. At the CMD on 17 December 2014, the Tribunal recommended the parties to explore all possibilities to informally resolve the case, including through the Mediation Division of the Office of the Ombudsman, to which the parties consented.

16. By Order No. 344 (NY/2014) dated 18 December 2014, the Tribunal suspended the proceedings until 16 January 2015 at which time the parties were to submit a joint report on the state of progress of their negotiations.

17. On 14 January 2015, the parties informed the Tribunal that they had been unable to reach an informal agreement and that, at this time, referring of the case to the Mediation Division of the Office of the Ombudsman would not be productive. The parties therefore requested the case to proceed before the Dispute Tribunal.

18. By Order No. 29 (NY/2015) dated 12 February 2015, the Tribunal directed the Respondent to file: (a) the fact-finding panel's report; (b) any other available information and/or documents concerning UNICEF's recommendation on the final resolution of the matter, and (c) the Secretary-General's final decision, if any. The Tribunal further instructed the parties to file and serve a joint submission identifying the agreed facts, if any, and stating whether they would require the production of any other additional evidence and/or a hearing or whether the case could be resolved on the papers.

19. In response to Order No. 29 (NY/2015), on 27 February 2015, the Respondent filed *ex parte* a copy of the fact-finding panel report and documentation relating to UNICEF's consideration of the case. The Respondent noted that the Secretary-General had "not issued his final determination on the matter".

20. By submission of 13 March 2015, the Respondent informed the Tribunal that the parties had not been able to agree on "the scope of the case or the presentation of a joint submission in regard to those matters within the scope of the case" and presented his version of the relevant facts. Furthermore, the Respondent requested that the case be stayed pending the Appeals Tribunal's issuance of the written ruling in *Nguyen-Kropp & Postica* 2015-UNAT-509, whose outcome had been orally pronounced on 26 February 2015. The Respondent contended that this judgment would have a bearing on whether or not the decision to refer the allegations for investigation is a final administrative decision appealable to the Dispute Tribunal. The Respondent requested that the parties be granted an opportunity to make

additional submission on receivability in light the Appeals Tribunal's written ruling and agreed to the case being resolved on the papers before the Tribunal.

21. In the Applicant's 15 March 2015 response to Order No. 29 (NY/2015) (although dated 12 March 2015), he indicated that a copy of the UNICEF fact-finding panel's report together with the supporting evidence had been provided to him on 22 December 2014, that he had been invited to comment on the report and that he did so on 6 January 2015, and that UNICEF had made no special stipulation as to the confidentiality of those documents. The Applicant also submitted that he had been denied access to OIOS' offices since 5 November 2014, that his contract was to expire on 16 March 2015, and that he would have no further relationship with witnesses. The Applicant stated that he had no objection to the Respondent filing a motion immediately seeking a determination on receivability based on the oral decision in *Nguyen-Kropp & Postica* 2015-UNAT-509 but requested the Tribunal also to address the question of receivability of in view of the recent decision in *Wasserstrom* 2014-UNAT-457.

22. On 16 March 2015, the Respondent filed a motion for leave to respond to the Applicant's submission dated 12 March 2015.

23. On 24 March 2015, the Registry of the Tribunal received an email from the Respondent, followed by a formal notification, informing the Tribunal that the Respondent had changed counsel and that Ms. Stéphanie Cochard and Ms. Kara Nottingham in the Human Resources Legal Unit, United Nations Office at Geneva, would now be representing him.

24. In Order No. 70 (NY/2015) dated 28 April 2015, the Tribunal took note of the Respondent's change of counsel and granted the new Counsel access to the filings in the present case. Furthermore, the Tribunal requested the parties to file their final submissions on the preliminary matter of the receivability, which the parties did on 12 May 2015.

Respondent's submissions

25. The Respondent's contentions on receivability may be summarised as follows:

a. The decision to appoint a fact-finding panel does not constitute a final administrative decision for the purposes of art. 2.l(a) of the Dispute Tribunal's Statute and in accordance with the former United Nations Administrative Tribunal's definition in Judgment No. 1157, *Andronov* (2003). This definition has been endorsed by the Dispute Tribunal and Appeals Tribunal on various occasions (see, for instance, *Tabari* 2010-UNAT-030; *Schook* 2010-UNAT-03; and *Gehr* UNDT/2011/178);

b. The contested decision to appoint a fact-finding panel under ST/SGB/2008/5 does not produce direct legal consequences for the Applicant—it cannot be characterised as a final administrative decision and was only a preparatory step in investigating the complaint under ST/SGB/2008/5;

c. The appointment of a fact-finding panel is a preliminary step in the formal procedures to investigate a third party complaint of prohibited conduct under ST/SGB/2008/5. If a formal fact-finding panel has been appointed and an investigation has been initiated, the Applicant may only challenge a final administrative decision which results from the conclusions of the investigation report pursuant to sec. 5.18(c) of ST/SGB/2008/5. This constitutes the conclusion of the formal procedures and a final (contestable) administrative decision. It is not until the process is completed or abandoned that the subject of an investigation has a decision that affects the terms of his or her contract in accordance with art. 2.l(a) of the Tribunal's Statute;

d. Similarly, all of the steps in an ongoing selection process prior to the final selection decision are qualified as a preparatory decision which are

one of a series of steps which lead to a final (contestable) administrative decision (*Ishak* 2011-UNAT-152, para. 29). In this connection, the Appeals Tribunal has held that issues such as the "composition of the rebuttal panel can only be challenged in the context of an appeal against the outcome of that process, but cannot alone be the subject of [an] application to the UNDT" (*Gehr* 2013-UNAT-313)";

e. Similarly, the Appeals Tribunal in *Nguyen-Kropp & Postica* 2015-UNAT-509, paras. 34 and 35, provided that:

> … Initiating an investigation is merely a step in the investigative process and it is not an administrative decision which the UNDT is competent to review under Article 2.1 of its Statute.
>
> … From the foregoing, we hold that the [Dispute Tribunal] erred on a question of law and exceeded its competence in accepting [the Applicants'] applications as receivable.

f. This holding is controlling and directly applicable in the present case, as the Applicant is similarly contesting the decision to appoint a fact-finding panel to investigate a complaint of prohibited conduct under ST/SGB/200S/5 lodged against him.

26. The Applicant's contentions on receivability may be summarised as follows:

a. The Tribunal has jurisdiction *rationae materiae*. Unlike the grounds considered in *Nguyen-Kropp & Postica* UNAT-2015-509, the present application challenged a decision under ST/SGB/2008/5, which provides, at sec. 5.20, that:

> Where an aggrieved individual or alleged offender has grounds to believe that the procedure followed in respect of the allegations of prohibited conduct was improper, he or she may appeal pursuant to Chapter XI of the Staff Rules.

b. The Tribunal also has jurisdiction *rationae temporis*. Staff rule 11.2 requires that matters are first referred to the MEU. The Applicant applied to the MEU on 4 February 2014 and received a response from it on 10 March 2014;

c. Staff rule 11.4 further requires that an application against a contested administrative decision be filed with the United Nations Dispute Tribunal within 90 calendar days from the date on which the staff member received the outcome of the management evaluation. The Applicant filed on 20 March 2014, which was within the 90-day period specified;

d. The Application challenged a decision that was not just procedurally flawed but was patently unreasonable; to the extent that it was a decision that no reasonable person acting in a reasonable manner would have made. As such, the contested decision meets the high standard ordinarily required in many common law jurisdictions for an administrative tribunal to overturn an administrative decision;

e. Applying the "proportionality test" used in many civil law jurisdictions, an administrative tribunal will consider whether the measure was:

i. suitable to achieve the desired objective;

ii. necessary for achieving the desired objective; and

iii. imposed excessive burdens on the individual it affected.

f. Here, the decision-maker took action against the Applicant when there were at least 18 pre-existing complaints pending against other staff members in the office on which no action was taken, and she is on record as having: (i) refused to suspend the allegedly aggrieved party and the other staff members named in *Nguyen-Kropp & Postica* UNDT/2013/176

notwithstanding the egregious misconduct recorded therein; and (ii) sought to have the Applicant suspended, prior to the appointment of the panel, for making a satirical comment on the judgment because, in her own words: "I feel particularly strongly that a clear message needs to be sent that this behavior is inappropriate for anyone at any level and that it will not be condoned or ignored";

g. The decision was tainted by bad faith from the outset. The alleged misconduct for which the Applicant was investigated was tied to the findings in *Nguyen-Kropp & Postica* UNDT/2013/176, in which the USG/OIOS's own conduct was implicated. The attempt to have the Applicant placed on administrative leave calls into question just what the actual desired objective of the contested decision was.

Consideration

Receivability rationae temporis

27. The present application was filed on 20 March 2014, within 90 days of the receipt by the Applicant of the 10 March 2014 management evaluation response. It is therefore receivable *rationae temporis*.

Receivability rationae materiae

28. Article 2.1(a) of the Dispute Tribunal's Statute provides that:

> The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual … against the Secretary-General as the Chief Administrative Officer of the United Nations … [t]o appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. …

29. ST/SGB/2008/5, sec. 5, "Corrective measures", provides in relevant parts that:

5.14 Upon receipt of a formal complaint or report, the responsible official will promptly review the complaint or report to assess whether it appears to have been made in good faith and whether there are sufficient grounds to warrant a formal fact-finding investigation. If that is the case, the responsible office shall promptly appoint a panel of at least two individuals from the department, office or mission concerned who have been trained in investigating allegations of prohibited conduct or, if necessary, from the Office of Human Resources Management roster.

5.15 At the beginning of the fact-finding investigation, the panel shall inform the alleged offender of the nature of the allegation(s) against him or her. In order to preserve the integrity of the process, information that may undermine the conduct of the fact-finding investigation or result in intimidation or retaliation shall not be disclosed to the alleged offender at that point. This may include the names of witnesses or particular details of incidents. All persons interviewed in the course of the investigation shall be reminded of the policy introduced by ST/SGB/2005/21.

5.16 The fact-finding investigation shall include interviews with the aggrieved individual, the alleged offender and any other individuals who may have relevant information about the conduct alleged.

5.17 The officials appointed to conduct the fact-finding investigation shall prepare a detailed report, giving a full account of the facts that they have ascertained in the process and attaching documentary evidence, such as written statements by witnesses or any other documents or records relevant to the alleged prohibited conduct. This report shall be submitted to the responsible official normally no later than three months from the date of submission of the formal complaint or report.

5.18 On the basis of the report, the responsible official shall take one of the following courses of action:

(a) If the report indicates that no prohibited conduct took place, the responsible official will close the case and so inform the alleged offender and the aggrieved individual, giving a summary of the findings and conclusions of the investigation;

(b) If the report indicates that there was a factual basis for the allegations but that, while not sufficient to justify the institution of disciplinary proceedings, the facts would warrant managerial action, the responsible official shall decide on the type of managerial action to be taken, inform the staff member concerned, and make arrangements for

> the implementation of any follow-up measures that may be necessary. Managerial action may include mandatory training, reprimand, a change of functions or responsibilities, counselling or other appropriate corrective measures. The responsible official shall inform the aggrieved individual of the outcome of the investigation and of the action taken;
>
> (c) If the report indicates that the allegations were well-founded and that the conduct in question amounts to possible misconduct, the responsible official shall refer the matter to the Assistant Secretary-General for Human Resources Management for disciplinary action and may recommend suspension during disciplinary proceedings, depending on the nature and gravity of the conduct in question. The Assistant Secretary-General for Human Resources Management will proceed in accordance with the applicable disciplinary procedures and will also inform the aggrieved individual of the outcome of the investigation and of the action taken.
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> 5.19 Should the report indicate that the allegations of prohibited conduct were unfounded and based on malicious intent, the Assistant Secretary-General for Human Resources Management shall decide whether disciplinary or other appropriate action should be initiated against the person who made the complaint or report.
>
> 5.20 Where an aggrieved individual or alleged offender has grounds to believe that the procedure followed in respect of the allegations of prohibited conduct was improper, he or she may appeal pursuant to chapter XI of the Staff Rules.

30. Staff rule 11.4(a) states that:

> A staff member may file an application against a contested administrative decision, whether or not it has been amended by any management evaluation, with the United Nations Dispute Tribunal within 90 calendar days from the date on which the staff member received the outcome of the management evaluation or from the date of expiration of the deadline specified under staff rule 11.2 (d), whichever is earlier.

31. It follows from the documents filed by the parties that, on 16 January 2014, the Applicant's first reporting officer sent a report to the Director of the Investigations Division, OIOS, which served as a request for disciplinary proceedings against the Applicant. On 17 January, the report was sent to

the USG/OIOS. On 31 January 2014, the USG/OIOS informed the Applicant that, pursuant to ST/SGB/2008/5, she had appointed a panel composed of a current and a former staff member of OIOS to conduct a fact-finding investigation in connection with a complaint lodged against him on 17 January 2014 and that the panel had been tasked with establishing the facts in relation to the complaint.

32. As indicated in the application, the contested decision is the USG/OIOS decision to appoint a fact-finding panel under ST/SGB/2008/5, notified to the Applicant on 31 January 2014.

33. The Tribunal notes that, pursuant to secs. 5.14 to 5.18 of ST/SGB/2008/5, a formal fact-finding investigation starts when the responsible office appoints a panel of at least two individuals from the department, office or mission concerned, who have been trained in investigating allegations of prohibited conduct or, if necessary, from the relevant roster of the Office of Human Resources Management.

34. After being appointed, the fact-finding panel shall:

a. Inform the alleged offender of the nature of the allegations against him or her (sec. 5.15);

b. Interview the aggrieved individual, the alleged offender and any other individuals who may have relevant information about the conduct alleged (sec. 5.16); and

c. Prepare and submit a detailed report giving a full account of the facts that they have ascertained in the process together with the documentary evidence (written statements by witnesses or any other documents or records relevant to the alleged prohibit conduct (sec. 5.17)).

35. Based on the report, the responsible official shall take a decision (sec. 5.18). Therefore, the report prepared and submitted by the fact-finding investigation panel may only include one of the following findings:

a. That no prohibited conduct took place. In this case, the decision-maker is the responsible official who must decide to close the case (see *Ivanov* UNAT-2015-519) and so inform the alleged offender and the aggrieved individual, giving a summary of the findings and conclusions of the investigation (sec. 5.18(a)). In cases where the report indicates that the allegations of prohibit conduct were unfounded and based on malicious intent, two decisions are to be made: one by the responsible official based on the panel's indications that the allegations were unfounded (no prohibited conduct took place); and one by the Assistant Secretary-General for the Office of Human Resources Management based on the panel's indication that the allegations were based on malicious intent. Therefore, the panel shall submit the report not only to the responsible official but also to the ASG/OHRM who, in such cases, shall decide whether disciplinary or other appropriate action should be initiated against the person who made the complaint or the report (secs. 5.18(a) and 5.19);

b. That there was a factual basis for the allegations but that, while not sufficient to justify the institution of disciplinary proceedings, the facts would warrant managerial action. In this case, the decision-maker is the responsible official who shall decide on a type of managerial action to be taken, inform the staff member concerned, and make arrangements for the implementation of any follow-up measures that may be necessary. The managerial action may include mandatory training, reprimand, a change of functions or responsibilities, counseling or appropriate corrective measures. The responsible official shall also inform the aggrieved individual of the outcome of the investigation and of the action taken (5.18(b));

c. That the allegations were well-founded and that the conduct in question amounts to possible misconduct. In this case the decision maker is not the responsible official, but the ASG/OHRM. After receiving the report, the responsible official shall refer the matter to the decision maker, namely

> the ASG/OHRM. The ASG/OHRM will proceed in accordance with the applicable disciplinary procedures and will also inform the aggrieved individual of the outcome of the investigation and of the action taken (5.18(c)).

36. In conclusion, the responsible official (sec. 5.18(a) and (b)) and/or the ASG/OHRM (secs. 5.18(c) and 19) must take decision(s) following the mandatory courses of action expressly stated in secs. 5.18(a)-(c) and 5.19 based on the indications from the report of the fact-finding panel, including the indication if the complaint was made in good faith or was based on malicious intent.

37. The Tribunal concludes that as results from the above considerations, since the appointment of a panel is the first step of the formal fact-finding investigation under ST/SGB/2008/5, a decision to appoint a fact-finding panel represents a decision to initiate an investigation. The members of the fact-finding panel are not decision-makers and they can only include indications in their report. The report of the fact-finding panel has a preliminary nature and is not a final administrative decision with direct and independent legal consequences on the alleged offender's legal rights.

38. Section 5.20 of ST/SGB/2008/5 states that:

> Where an aggrieved individual or alleged offender has grounds to believe that the procedure followed in respect of the allegations of prohibited conduct was improper, he or she may appeal pursuant to chapter XI of the Staff Rules.

39. This section is the last provision in sec. 5, "Formal procedures", of ST/SGB/2008/5. The Tribunal is of the view that, since this provision is inserted at the end of the section after all the formal procedures are presented and its content indicates expressly that an appeal may be filed pursuant to Chapter XI of the Staff Rules where the aggrieved individual or alleged offender has grounds to believe that "the procedure" followed in respect to the allegations of prohibited conduct was improper, the appeal can only be filed after the entire formal procedure has been

finalised, including the issuance of the final administrative decision by the decision-maker. This interpretation is in line with the content of staff rule 11.4(a) which states that an application against a contested administrative decision may be filed with the Dispute Tribunal.

40. In *Nguyen-Kropp & Postica* 2015-UNAT-509, the Appeals Tribunal held that:

> 31. … Generally speaking, appeals against a decision to initiate an investigation are not receivable as such a decision is preliminary in nature and does not, at that stage, affect the legal rights of a staff member as required of an administrative decision capable of being appealed before the Dispute Tribunal.
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> 32. This accords with another general principle that tribunals should not interfere with matters that fall within the Administration's prerogatives, including its lawful internal processes, and that the Administration must be left to conduct these processes in full and to finality.
>
> …
>
> 34. Initiating an investigation is merely a step in the investigative process and it is not an administrative decision which the UNDT is competent to review under Article 2(1) of its Statute.

41. The findings of the Appeals Tribunal are binding for the Dispute Tribunal and they are applicable in similar cases (*Igbinedion* 2014-UNAT-410, paras. 23- 25, *Zeid* 2014-UNAT-401, para. 22, and *Hepworth* 2015-UNAT-503, para. 40).

42. As results from the above considerations, the contested decision in the present case is a decision to initiate an investigation by appointing a fact-finding panel, and this decision is not a final decision but the first step in the investigative process under ST/SGB/2008/5. Therefore, the contested decision is not an administrative decision capable of being appealed before the Tribunal and the findings of the Appeal Tribunal indicated in para. 14 are fully applicable in this case.

43. In conclusion, the application is not receivable *rationae materiae* and is to be rejected by the Tribunal without further analysis of the grounds of appeal and requested remedies to overturn the contested decision and remove the OIOS panel members.

44. As an alternative relief, in the absence of such finding by the Ethics Office, the Applicant requests the Tribunal to find that there exists a *prima facie* case of retaliation against the Applicant, in the form of his end of cycle appraisal dated 26 June 2013 and the series of complaints made against him in the period from 14 March 2013 to 31 January 2014, following on from the protected act of the report of misconduct he made on 11 March 2013. Pursuant to art. 2.1(a) of the Dispute Tribunal's Statute, ST/SGB/2005/21 (Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations) and ST/SGB/2005/22 (Ethics Office—establishment and terms of reference), the Tribunal has no competence *rationae materiae* to make direct findings regarding the existence of a *prima facie* case of alleged retaliation against the Applicant and to substitute the absence of such finding by the Ethics Office.

Conclusion

45. In the light of the foregoing, the Tribunal DECIDES:

46. The application is rejected.

(*Signed*)

Judge Alessandra Greceanu

Dated this 11th day of August 2015

Entered in the Register on this 11th day of August 2015

(*Signed*)

Hafida Lahiouel, Registrar, New York