



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

VANSHELBOIM

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

George Irving

**Counsel for Respondent:**

Isavella Maria Vasilogeorgi, DAS/ALD/OHR, UN Secretariat

Nicola Caon, DAS/ALD/OHR; UN Secretariat

## **Introduction**

1. The Applicant, a former staff member of the United Nations Office for Project Services (“UNOPS”), contests the decision to impose on him the disciplinary measures of dismissal and a fine of twelve month’s net base salary. He also contests the decision to recover from him the amount of USD63,626,806 and to withhold the release of the PF.4 form (“separation notification”) to the United Nations Joint Staff Pension Fund (“UNJSPF”) until such indebtedness is fully recovered.
2. On 17 May 2023, the Respondent filed his reply.
3. By Order No. 120 (GVA/2023) of 14 September 2023, the Tribunal granted the parties’ request to exceed the page limit, directed the Applicant to file a rejoinder, and granted the Respondent’s motion to file translated documents. The Tribunal further encouraged the parties to seek alternative dispute resolution and, in response to the Applicant’s motion requesting the release of his separation notification to the UNJSPF, the Tribunal clarified that such claim could not be decided at the early stage of the proceedings, but that it would fast-track consideration of the application due to this pressing matter.
4. Following a request for extension of time, which was granted, the Applicant filed his rejoinder on 13 October 2023.
5. On 19 October 2023, the parties filed a joint submission informing the Tribunal that they explored the possibility of amicable resolution, as instructed, but decided to pursue the litigation instead.
6. On 31 October 2023, the Respondent filed the translated documents pursuant to Order No. 120 (GVA/2023).
7. By email dated 24 November 2023, the Tribunal asked the parties to confirm their availability to virtually attend a Case Management Discussion (“CMD”) between 11 and 15 December 2023.

### **Consideration**

8. Having reviewed the case record, the Tribunal finds it appropriate to invite the parties to a CMD, pursuant to art. 19 of its Rules of Procedure.
9. The purpose of the CMD is to:
  - a. Identify the factual and legal issues to be determined;
  - b. Consider what further information, submissions or evidence, if any, is required;
  - c. Consider if the case may be decided on the basis of the parties' written submissions or if a hearing on the merits should be held;
  - d. Identify relevant witnesses to be called and agree on dates for said hearing, if needed;
  - e. Ascertain whether the parties are amenable to considering an alternative resolution to the dispute; and
  - f. Discuss any other matter relevant to the consideration and determination of the Applicant's case.
10. In particular, at the CMD the parties are instructed to be prepared to:
  - a. Identify if an oral hearing is needed and, if so, to provide a potential witnesses' list explaining the relevance of each testimony for the determination of the issues in dispute; and
  - b. Confirm the availability of the potential witnesses to virtually attend a hearing on the merits anytime between **29 January and 2 February 2024**.

**Conclusion**

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

- a. The parties shall attend a CMD on **Tuesday, 12 December 2023 at 3 p.m. (Geneva time)**, which will be conducted virtually through Microsoft Teams; and
- b. The parties shall provide the Geneva Registry with their contact details by **Monday, 4 December 2023**.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 28<sup>th</sup> day of November 2023

Entered in the Register on this 28<sup>th</sup> day of November 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva