



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2012/078
Order No.: 100 (NBI/2014)
Date: 13 May 2014
Original: English

Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

DORRA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

NOTICE OF HEARING

Counsel for the Applicant:

Miles Hastie, OSLA

Counsel for the Respondent:

Steven Dietrich, ALS/OHRM

Nicole Wynn, ALS/OHRM

The Application and Procedural History

1. The Applicant entered into service of the United Nations in May 2006 under the 300-series appointments. On 1 July 2009, he was reappointed on a fixed-term appointment. At the time of the Application, he was a Resident Investigator at the P-3 step 11 level with the United Nations Mission in South Sudan (UNMISS) in Juba.

2. The Applicant is challenging the decision made by the Office of Human Resources Management (OHRM) on 18 June 2012 to recover previously paid dependency benefits for the years 2009, 2010 and 2011 (impugned decision).

3. The Application was filed on 14 December 2012. The Respondent's Reply was filed on 5 February 2013.

4. On 1 October 2013, the Parties attended a Case Management Hearing in which they addressed the court on the completeness of the file and their readiness for the matter to be set down for hearing.

5. On 18 October 2013, the Tribunal issued Order No. 226 (NBI/2013) for further management of this case. Parties were asked to state their respective positions on the need for an oral hearing in this matter.

6. The Parties responded to that order on 22 October 2013. The Applicant requested that an oral hearing be held and indicated that his mother will testify as to receipt of the disputed payments.

7. The Respondent submitted that this matter can be decided on the papers, and that the testimony of the Applicant's mother is irrelevant given that "payments to third parties" are not acceptable proof of child support.

DIRECTIONS

8. The Tribunal has considered the Parties' submissions and takes the view that allowing an oral hearing would facilitate the fair conduct of proceedings in this matter.

9. The Tribunal hereby **GRANTS** the Applicant's motion for an oral hearing.

10. In so doing, the Parties are hereby **DIRECTED** to file their respective witness lists, *if any*, with a summary of the anticipated testimony by **23 June 2014**. Should the list include witnesses who will be testifying remotely, Parties are kindly requested to provide the Registry with relevant contact details.

11. **NOTICE** is hereby issued that the matter of *Dorra v Secretary-General of the United Nations* (UNDT/NBI/2012/078) is set down for hearing at **1000hrs** on **1 and 2 July 2014** in the **UNDT Courtroom (CR-12)**.

(signed)

Judge Vinod Boolell

Dated this 13th day of May 2014

Entered in the Register on this 13th day of May 2014

(signed)

Abena Kwakye-Berko, Registrar, Nairobi