



Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ANDRIANTSEHENO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
George Irving

Counsel for the Respondent:
Miryoung An, AAS/ALD/OHR

Background

1. At the time of the application, the Applicant held the position of a Statistician at the United Nations Economic Commission for Africa. He served on a continuing appointment at the P-4 level and was based in Addis Ababa, Ethiopia.
2. On 29 October 2019, the Applicant filed an application contesting the Under-Secretary-General for Management Strategy, Policy and Compliance's (USG/DMSPC) decision to impose on him the disciplinary sanction of separation from service with compensation in lieu of notice and with termination indemnity for serious misconduct in accordance with staff rule 10.2(a)(viii).
3. On 30 October 2019, the Tribunal issued Order No. 171 (NBI/2019) requiring the Applicant to limit his application to 10 pages.
4. The Applicant filed the revised application on 4 November 2019. Instead of complying with said Order, the Applicant disingenuously opted to file the application in two parts: using the prescribed form for UNDT applications on one part and making reference to a separate document containing the statement of appeal on the other part.
5. The Tribunal considers that the matter should proceed to a case management discussion (CMD) to:
 - a. Ascertain whether the parties are amenable to considering an alternative resolution to the dispute;
 - b. Discuss the claims and issues in the case;
 - c. Identify the factual and legal issues to be determined;
 - d. Consider what further information, if any, is required;

- e. Identify any documents to be disclosed;
- f. Consider if the case may be decided on the basis of the documents, or whether a hearing should be held, and, if there is to be a hearing, to set the dates, identify the witnesses to be called and the documents to be presented; and
- g. Discuss any other matter relevant to these proceedings.

ORDERS

6. A CMD will take place on 27 February 2020 at 3.00 p.m. (Nairobi Time, UTC +3) in the United Nations Dispute Tribunal Boardroom.

7. The parties or their duly designated representatives must be present at the discussion either in person or, where unavailable or where directed by the Tribunal, by electronic means.

8. If a party intends to appear by electronic means, he or she should provide the Registry with his or her contact information including a land line telephone number before the CMD and no later than 7 February 2020.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 14th day of February 2020

Entered in the Register on this 14th day of February 2020

(Signed)

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi