



**Before:** Judge Alexander W. Hunter, Jr.  
**Registry:** New York  
**Registrar:** Morten Albert Michelsen, Officer-in-Charge

CARUSO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Daniel Trup, OSLA

**Counsel for Respondent:**  
Alan Gutman, ALS/OHRM, UN Secretariat

## **Introduction**

1. On 9 January 2017, the Applicant, a Director at the D-2 level, step 3, with the Department of Political Affairs in the United Nations Secretariat, contested the decision not to renew her fixed-term appointment. As relief, the Applicant seeks that the impugned decision be rescinded or, in the alternative, that she receive compensation of 24 months of net base salary.

2. On the same date (9 January 2017), the Registry acknowledged receipt of the application and, pursuant to art. 8.4 of the Rules of Procedure, transmitted it to the Respondent, instructing him to file a reply by 8 February 2017 in accordance with art. 10 of the Rules of Procedure.

3. On 8 February 2017, the Respondent filed his reply in which he contends that the application is without merit as the decision not to renew the Applicant's appointment was lawful and fully complied with the provisions of ST/AI/2010/5 (Performance Management and Development System).

4. On 19 January 2018, the Dispute Tribunal ordered the parties, in Order No. 9 (NY/2018), to file a joint submission by 26 January 2018, in which they should identify, *inter alia*:

- a. A consolidated list of agreed facts;
- b. A list of agreed legal issues;
- c. A list of document(s) the parties sought disclosure of and establishing whether the parties were of the view that this case could be determined on the papers or a hearing on the merits was required; and
- d. In case a hearing on the merits is requested, *inter alia*, reasons why a hearing was required, produce a bundle of the evidence to be relied upon and provide a list of witnesses, their relevance and a proposed date for the hearing

in the period between from 5 to 26 February 2018 and availability of each witness.

5. On 26 January 2018, the parties filed a joint submission in which they provided the requested information and indicated their wish to have a hearing on the merits of the case, with a proposed date of 13 February 2018, with a possibility for one witness to be heard on 14 February 2018.

6. On 2 February 2018, the Applicant filed a request seeking to withdraw Ms. Ghilani as a proposed witness to be replaced by Ms. Paola Serrano Emerson, Chief of the Middle East and North Africa Section, Office for the Coordination of Humanitarian Affairs (“OCHA”).

7. Following the request filed on 2 February 2018,

IT IS ORDERED THAT:

8. **By 5:00 p.m., Monday, 12 February 2018,**

a. The parties shall file a joint submission in which they will select an alternative proposed date or dates (consecutive, back-to-back dates) for the hearing on the merits, as the Tribunal is holding another hearing on 13 February 2018;

b. The Applicant will state the proposed testimony to be proffered by a person external to the Department of Political Affairs where the Applicant served and why it is relevant to the subject United Nations internal performance improvement plan (“PIP”) processes under consideration;

c. The Applicant shall file a submission in which she will provide background information on the items listed below:

i. Her current place of residence;

ii. Her detailed work experience prior to joining the United Nations in September 2012;

- iii. The salary the Applicant was making as of 7 January 2017;
  - iv. Details of all prior performance ratings;
  - v. The length of time she has remained unemployed following her separation from the United Nations on 7 January 2017;
  - vi. If she applied for positions within the United Nations or elsewhere since her separation and evidence of said applications, if any;
  - vii. If she found employment after being separated, state the name of the company or organization or entity, state her title or position and state her salary or salaries;
- d. Information on the termination indemnities that she received from the United Nations following her separation including the payment of a relocation grant, if applicable;
- e. Information on the benefits she lost since her separation such as (non-exhaustive list):
- f. Dependency benefits, if any; education grant, if any; pension benefits, life insurance, medical insurance.
9. Thereafter, the Tribunal will issue further orders as it deems appropriate.

*(Signed)*

Judge Alexander W. Hunter Jr.

Dated this 5<sup>th</sup> day of February 2018