



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/077
Order No.: 50 (NY/2021)
Date: 19 May 2021
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Susan Maddox, ALD/OHR, UN Secretariat
Miryoung An, ALD/OHR, UN Secretariat

Introduction

1. By Order No. 23 (NY/2021) dated 16 March 2021, the Tribunal ordered the parties to file their closing statements in the following sequence: 1 April 2021 (the Applicant's closing statement); 15 April 2021 (the Respondent's closing statement); and 22 April 2021 (the Applicant's final observations).
2. The parties duly filed their submissions as per Order No. 23 (NY/2021).

Consideration

3. After thoroughly perusing the parties' closing statements and the case file with a view to issue the Judgment, the Tribunal noted that the interoffice memorandum dated 21 November 2018, by which the Applicant was formally presented with the allegations of misconduct, was authored by the Chief of the Human Resources Policy Services, Office for Human Resources Management ("the Chief"). Article 8.3(a) of ST/AI/2017/1 (Unsatisfactory conduct, investigations and the disciplinary process), however, provides that "[f]ollowing a decision to initiate a disciplinary process, the Assistant Secretary-General for Human Resources Management ["the ASG"] shall provide the staff member with ... [t]he allegations of misconduct in writing".
4. The Tribunal will therefore instruct the Respondent to provide an explanation why it was the Chief, who authored the 21 November 2018 interoffice memorandum and provided the Applicant with the allegations of misconduct in writing, and not the ASG. The Tribunal also observes that the ASG is nowhere mentioned in the interoffice memorandum and directs the Respondent to provide reference to, and possible documentation for, any possible delegation of authority. The Applicant will thereafter have the opportunity to comment on the Respondent's submissions after which the Tribunal will proceed to adjudicating the case on the papers before, unless subsequently otherwise ordered.

5. In light of the above,

IT IS ORDERED THAT:

6. By **4:00 p.m. on Tuesday, 25 May 2021**, the Respondent is to file (a) an explanation why it was the Chief, who authored the 21 November 2018 interoffice memorandum, and not the ASG as per art. 8.3(a) of ST/AI/2017/1, (b) a reference to, and possibly documentation for, any relevant delegation of authority;

7. By **4:00 p.m. on Friday, 28 May 2021**, the Applicant is to file a response to the Respondent's 25 May 2021 submissions;

8. Unless otherwise ordered, on receipt of the latest of the aforementioned submissions or at the expiration of the provided time limits, the Tribunal will adjudicate on the matter and deliver Judgment based on the evidence on record.

(Signed)

Judge Joelle Adda

Dated this 19th day of May 2021