



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2020-1454 & 2020-1456

McGregory John Kollie
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 397 (2021)

1. On 15 July 2020, the United Nations Dispute Tribunal (UNDT) in New York issued Judgment No. UNDT/2020/119 in the case of *Kollie v. Secretary-General of the United Nations*, whereby the UNDT granted, in part, Mr. Kollie's application against the Secretary-General's decision regarding a recommendation of the Advisory Board on Compensation Claims (ABCC).
2. Mr. Kollie appealed the UNDT Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) on 11 September 2020 (Case No. 2020-1454), to which the Secretary-General filed his answer on 27 November 2020. In turn, the Secretary-General also filed an appeal against the same judgment on 14 September 2020 (Case No. 2020-1456). Mr. Kollie's answer to the Secretary-General's appeal was filed on 27 November 2020.
3. At the request of Mr. Kollie, I have issued an order to consolidate Case Nos. 2020-1454 and 2020-1456 for all purposes.
4. On 13 November 2020, Mr. Kollie filed a Motion for Additional Pleadings, requesting that the Appeals Tribunal admit additional evidence, namely in the form of several e-mails which he claims are fundamental for the disposal of the case. On 23 November 2020, the Secretary-General filed his comments requesting that the Appeals Tribunal partly dismiss the motion.

5. Pursuant to Article 2(5) of the Statute of the Appeals Tribunal and Article 10(1) of its Rules of Procedure, the Appeals Tribunal may receive additional evidence from a party “[i]n exceptional circumstances” “if that is in the interest of justice and the efficient and expeditious resolution of the proceedings” and if “the Appeals Tribunal determines that the facts are likely to be established with such additional documentary evidence” unless such evidence “was known to either party and should have been presented at the level of the Dispute Tribunal”.

6. In the present case, the Secretary-General notes that some e-mails that Mr. Kollie seeks to introduce as additional evidence have already been admitted to the record. Further, the Secretary-General has no objection to the remaining e-mail being admitted to the record since it corroborates some of Mr. Kollie’s own previous concessions.

7. Given that the Secretary-General did not contest the additional evidence, we find that the motion should, with respect to the production of the e-mails annexed to it, be granted in the interest of justice. The Appeals Tribunal will decide upon the actual relevance of the additional evidence when it considers the case.

IT IS HEREBY ORDERED that Mr. Kollie’s motion is **GRANTED**.

IT IS ALSO ORDERED that the motion and adduced documents, as well as the Respondent’s comments thereon, shall be part of the record before the Appeals Tribunal during its consideration of the case.

Original and Authoritative Version: English

Dated this 11th day of February 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 11th day
of February 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar