



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2023-1835

**Eduardo Alvear**  
**(Appellant)**  
v.  
**Secretary-General**  
**of the International Civil Aviation Organization**  
**(Respondent)**

**ORDER No. 564 (2024)**

1. On 14 May 2020, Mr. Eduardo Alvear filed an appeal with the Appeals Board of the International Civil Aviation Organization (ICAO Appeals Board and ICAO, respectively) contesting two purported decisions: first, the decision not to provide Mr. Alvear with a Desk Audit Report with classification results of his assigned duties, completed in July 2019 (the Desk Audit Report); and second, the alleged discriminatory allocation of overtime.
2. On 19 May 2023, the Appeals Board issued Decision No. ICAO/2023/003 in the case of *Alvear v. Secretary-General of the International Civil Aviation Organization*. The Appeals Board dismissed Mr. Alvear's appeal finding it not receivable.
3. The case was placed on the docket for the current 2024 summer session of the United Nations Appeals Tribunal (UNAT or Appeals Tribunal).
4. Having reviewed the parties' submissions and the trial record, the Appeals Tribunal finds, pursuant to Article 18bis of the Appeals Tribunal Rules of Procedure (Rules), that it is appropriate for the fair and expeditious management of the case and to do justice to the parties to receive additional pleadings in relation to the purported decision not to provide Mr. Alvear with the Desk Audit Report. The Appeals Tribunal further considers that it is in the interest of justice and the efficient and expeditious

resolution of the proceedings to order the production of documents, pursuant to Article 10(1) of the Rules, to support the additional pleadings.

5. The Appeals Tribunal requests the following information from both parties:
- i) Whether the Job Description of Post No. 105436 attached as Exhibit 39 to the Secretary-General's reply before the Appeals Board was the final Job Description;
  - ii) Whether the Administration provided the final Job Description to Mr. Alvear, and in the affirmative, the date that he received it;
  - iii) Whether the Desk Audit Report attached as Exhibit 36 to the Secretary-General's reply before the Appeals Board is the final and authoritative Desk Audit Report; and
  - iv) Whether the Administration provided the final Desk Audit Report to Mr. Alvear, and in the affirmative, the date he received it.

The parties' submissions may not exceed the scope of the present Order.

6. The Secretary-General and Mr. Alvear are **HEREBY ORDERED** to provide, no later than Monday, 24 June 2024, additional pleadings, not exceeding two pages, and supporting evidence with respect to the issues identified at paragraph 4 above.

Both parties may provide comments, not exceeding two pages, on the other respective party's pleadings and evidence, if any, no later than Tuesday, 25 June 2024.

Original and Authoritative Version: English

Decision dated this 20<sup>th</sup> day of June 2024  
in New York, United States.

*(Signed)*  
Kanwaldeep Sandhu,  
Presiding Judge

Order published and entered in the Register on this  
20<sup>th</sup> day of June 2024 in New York, United States.

*(Signed)*  
Juliet E. Johnson,  
Registrar