



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2024-1936 & 2024-1944

Anthony O' Mullane

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 599 (2025)

1. Mr. Anthony O'Mullane is a Director in the Office of Information and Communications Technology (OICT) in the United Nations Secretariat. On 9 July 2023, he filed an application with the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in which he contested the decision of the Office of Internal Oversight Services (OIOS) to decline to open an investigation into his report of prohibited conduct against the United Nations Controller for possible noncompliance of the Controller with United Nations financial rules and regulations. Mr. O'Mullane faulted the Controller for alleged irregularities with respect to the OICT budget. The UNDT registered his application as Case No. UNDT/NY/2023/019, *O'Mullane v. Secretary-General of the United Nations (O'Mullane 1)*.

2. That same day, Mr. O'Mullane also filed an application with the UNDT in which he contested the decision of the OIOS to decline to open an investigation into his report of possible harassment and abuse of power against the Controller. Mr. O'Mullane alleged that the Controller made offensive comments against him, including stating publicly that Mr. O'Mullane was resisting the Controller's efforts to understand the financial picture in OICT. The UNDT registered this application as Case No. UNDT/NY/2023/020, *O'Mullane v Secretary-General of the United Nations (O'Mullane 2)*.

3. On 29 April 2024, the UNDT issued a “Judgment on Receivability” in *O’Mullane 1*.¹ The UNDT held that this application was not receivable because any alleged misconduct by the Controller with respect to compliance with the Organization’s financial rules and regulations was a potential harm to the Organization, not to Mr. O’Mullane. Accordingly, Mr. O’Mullane lacked standing to receive information as to OIOS’s actions regarding his complaint of prohibited conduct against the Controller.

4. On 19 June 2024, the UNDT issued its Judgment in *O’Mullane 2*.² In that Judgment, the UNDT dismissed his application, finding that it was reasonable for OIOS to determine that the Controller’s comments referencing Mr. O’Mullane were unlikely to amount to misconduct given that the remarks arose in the context of the Controller’s oversight into OICT budget matters.

5. On 28 June 2024, Mr. O’Mullane filed an appeal against the Judgment on Receivability in *O’Mullane 1* before the United Nations Appeals Tribunal (UNAT or Appeals Tribunal). The appeal was registered as Case No. 2024-1936. On 23 September 2024, the Secretary-General filed his Answer to the appeal.

6. On 16 August 2024, Mr. O’Mullane filed an appeal against the Judgment in *O’Mullane 2*. The appeal was registered as Case No. 2024-1944. On 8 October 2024, the Secretary-General filed his answer to the appeal.

7. Both UNDT Judgments in *O’Mullane 1* and *O’Mullane 2* concern Mr. O’Mullane’s allegations about the conduct of the Controller with respect to oversight and management of the OICT budget, and the Controller’s comments about Mr. O’Mullane in the context of this exercise.

8. Pursuant to Article 18bis(1) of the Appeals Tribunal Rules of Procedure, “[t]he President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”. Because the UNDT Judgments underlying Cases No. 2024-1936 and 2024-1944 arise from the same facts and circumstances, I therefore direct that these cases be consolidated for hearing and judgment.

¹ *O’Mullane v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/025.

² *O’Mullane v. Secretary-General of the United Nations*, Judgment No. UNDT/2024/036.

IT IS HEREBY ORDERED that the appeals filed in Case Nos. 2024-1936 and 2024-1944 be consolidated for all purposes.

Original and Authoritative Version: English

Decision dated this 10th day of April 2025
in Beirut, Lebanon.

(Signed)
Judge Nassib G. Ziadé,
President

Order published and entered in the Register on this
10th day of April 2025 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar