



Before: Judge Rowan Downing

Registry: Geneva

Registrar: René M. Vargas M.

SUN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Kara Nottingham, HRLU

Stéphanie Cochard, HRLU

Introduction

1. By application filed on 10 December 2015, the Applicant, a Translator (P-3), Chinese Translation Section, Languages Service, Division of Conference Management, United Nations Office at Geneva (“CTS/LS/DCM/UNOG”), contests the decisions by the Acting Director-General of UNOG to close her complaint of sexual harassment against a Terminology Assistant, CTS/LS/DCM/UNOG, with managerial actions rather than disciplinary actions and not to provide her with a copy of the investigation report.

2. The application was served on the Respondent on 16 December 2015, and he submitted his reply on 15 January 2016, with six annexes filed *ex parte*, which, according to the Respondent, contain confidential information.

Consideration

3. Having reviewed the case file, the Tribunal notes that the instant case appears to raise a preliminary issue of receivability *rationae temporis*.

4. The Applicant states in her application that she received a response to her request for management evaluation on 10 September 2015. She filed her application before the Tribunal on 10 December 2015, that is 91 days later.

5. Pursuant to art. 8.1(d)(i)(a) of its Statute, an application before the Dispute Tribunal shall be filed “[w]ithin 90 calendar days of the applicant’s receipt of the response by management to his or her submission”.

6. Since it constitutes a matter of law which touches upon the Tribunal’s competence to adjudicate the case, the Dispute Tribunal shall examine the receivability of an application even if not raised by the parties (see, e.g., *Christensen* 2013-UNAT-335; *Chahrour* 2014-UNAT-204; *O’Neill* UNDT/2010/203; *De Porres* UNDT/2010/55; *Babiker* UNDT/2015/108).

7. In view of the foregoing and pursuant to art. 19 (Case Management) of its Rules of Procedure, the Tribunal deems it appropriate and in the interest of justice

to invite the parties to make additional submissions addressing the issue of the receivability *rationae temporis* of the application. The Tribunal considers that a five day time limit for both parties to file their submissions is sufficient in the circumstances.

Conclusion

8. In view of the foregoing, it is ORDERED that the parties file additional submissions on the receivability *rationae temporis* of the application by **Tuesday 9 February 2016**.

(Signed)

Judge Rowan Downing

Dated this 2nd day of February 2016

Entered in the Register on this 2nd day of February 2016

(Signed)

René M. Vargas M., Registrar, Geneva