



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

BEZZICCHERI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

François Lorient

Counsel for Respondent:

Jérôme Blanchard, LPAS/UNOG

Introduction

1. On 28 October 2021, the Applicant filed an application for an order for execution of Judgment *Bezziccheri* UNDT/2019/012 pursuant to art. 32.2 of the Tribunal's Rules of Procedure
2. On 13 December 2021, the Respondent filed his reply asserting that *Bezziccheri* has been fully executed because the contested decision was rescinded, and costs were paid as ordered in the above-mentioned Judgment. The Respondent also maintains that *Bezziccheri* did not "outline a specific course of action for the Administration to take within a period of time", which is required under article 32.2 of the Tribunal's Rules of Procedure.
3. On 5 January 2022, the Applicant filed a motion for leave to add and file annex 27 to the application, which is an email exchange with the Director, Division of Healthcare Management and Occupational Safety and Health, dated 7 and 18 December 2021, where the latter *inter alia* informs the Applicant that the Medical Board would not accept any reports or medical certificates issued or submitted after the time of sick leave certification.
4. On 17 January 2022, the Applicant filed a motion addressed to the UNDT President requesting a fast-track hearing in execution of *Bezziccheri*.
5. On the same date, the instant case was assigned to the undersigned Judge.
6. By Order No. 12 (GVA/2022) of 26 January 2022, the Tribunal requested the parties to attend a case management discussion ("CMD") on 9 February 2022.
7. On 31 January 2022, the Applicant filed a motion seeking the joinder of a third party. In his motion, the Applicant requests the participation of a representative of the United Nations Joint Staff Pension Fund ("UNJSPF") at the CMD.

8. On 2 February 2022, the Respondent responded to the Applicant's 31 January 2022 motion, pursuant to the Tribunal's instructions, submitting that the participation of a representative of the UNJSPF would neither assist the Tribunal in this matter nor serve judicial economy and efficiency. Accordingly, the Respondent requested the rejection of the abovementioned motion.

9. On the same day, the Applicant submitted a motion for disclosure requesting the Tribunal to order the Respondent to submit all its communications with the UNJSPF since 2013 concerning the Applicant's case.

Consideration

10. Having considered the parties submissions, the Tribunal is of the preliminary view that the Applicant's exhaustion of her sick leave entitlements, which is a prerequisite to be considered for the award of a UNJSPF disability benefit and on which the UNJSPF has no saying, remains to be determined. It follows that the participation of a UNJSPF representative at the CMD is unnecessary as it would not assist in addressing the main issues at stake.

11. Consequently, the Applicant's 31 January and 2 February 2022 motions stand to be rejected.

12. Finally, the Tribunal reminds the parties that the CMD will be an opportunity for them to:

- a. Further elaborate on the receivability of the application;
- b. Discuss the Applicant's request for expedited consideration; and
- c. Brief it on developments after the issuance of *Bezziccheri*.

Conclusion

13. In view of the foregoing, the Applicant's motions of 31 January 2022 and 2 February 2022 are **rejected**.

(Signed)

Judge Teresa Bravo

Dated this 4th day of February 2022

Entered in the Register on this 4th day of February 2022

(Signed)

René M. Vargas M., Registrar, Geneva