



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

MIHYAR

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Isavella Maria Vasilogeorgi, AAS/ALD/OHR, UN Secretariat

Lucienne Pierre, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 12 March 2021, the Applicant, a staff member of the United Nations Department of Safety and Security (“UNDSS”), contests the decision to impose on him the disciplinary measures of written censure and loss of two steps in grade.
2. On 15 April 2021, the Respondent filed his reply.
3. On 20 May 2021, the Applicant filed his comments on the Respondent’s reply.
4. By Order No. 67 (GVA/2022) of 23 June 2022, the Tribunal convoked the parties to a case management discussion (“CMD”) which took place, as scheduled on 6 July 2022.

## **Consideration**

5. At the CMD, both parties agreed that the case could be determined on the written pleadings without holding a hearing on the merits.
6. After hearing the parties’ views, the Tribunal ordered the Respondent to file within 10 days his closing submission, in which he shall respond to the Applicant’s rejoinder dated 20 May 2021 and address, *inter alia*, the following issues:
  - a. The Applicant’s argument that none of the hiring managers such as Mr. K. and Mr. M. were sanctioned in respect of the recruitment at issue;
  - b. Why was a waiver for shortfall in experience granted to the selected candidate?
  - c. Whether there was an operational basis for the Applicant’s conduct in question;
  - d. Whether Mr. K., as a hiring manager, had the right to access the long list of candidates in the recruitment at issue; and who had access to the long list?

- e. Why did Mr. K., as a hiring manager, not have the guest user log-in details for the United Nations Development Programme (“UNDP”) Human Resources (“HR”) online platform in the first place?
- f. What was Mr. K.’s role in the recruitment process?
- g. Whether Mr. K. knew the selected candidate; and
- h. The Applicant’s argument that in determining the sanction, the Administration failed to consider or gave no weight to relevant factors listed in his application and his rejoinder.

7. The Tribunal also required the Applicant to clarify in his closing submission, *inter alia*, whether he transmitted the guest user log-in details for the UNDP HR online platform to Mr. K. on his own initiative or upon instruction.

8. Noting that on 16 February 2022, Mr. K. sent an email to the Applicant with the title “Short listing” naming Mr. A., the Tribunal further instructed the Applicant to clarify in his closing submission the context in which the email was sent and the purpose as well as the underlying rationale of this email.

9. Considering that the Applicant is self-represented, and that he will be on home leave during the relevant period, having consulted with the Respondent’s Counsel, the Tribunal finds it appropriate to grant the Applicant 10 extra days to file his closing submission.

### **Conclusion**

10. In view of the foregoing, it is ORDERED THAT:

- a. By **Monday, 18 July 2022**, the Respondent shall file his closing submission; and
- b. By **Thursday, 28 July 2022**, the Applicant shall file his closing submission.

Case No. UNDT/GVA/2021/016

Order No. 072 (GVA/2022)

*(Signed)*

Judge Teresa Bravo

Dated this 7<sup>th</sup> day of July 2022

Entered in the Register on this 7<sup>th</sup> day of July 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva