



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

SCANLON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Jonathan Croft, UN Secretariat

Introduction

1. On 4 September 2022, the Applicant, a former staff member of the United Nations Environment Programme (“UNEP”), filed an application contesting the decision to impose on him the disciplinary measure of a fine equivalent to six months’ net base salary.
2. On 24 October 2022, the Respondent filed his reply.
3. On 1 September 2023, a case management discussion (“CMD”) took place with the Applicant and Counsel for the Respondent.

Consideration

The current situation of the matter

4. It was clear from the discussion at the CMD that while the disciplinary measure has been imposed, it has not yet been implemented. Indeed, the Applicant has yet to complete the administrative paperwork required to process his separation, and the fine is to be deducted from his remaining emoluments.
5. In this respect, the Tribunal considers it appropriate to urge the parties to cooperate in good faith to finalize the administrative paperwork that is still pending. Consequently, the Applicant should complete the forms required from him to process his separation and the Respondent should facilitate the process and assist the Applicant in this respect.
6. Only after the completion of the separation formalities, the Administration will be able to determine the remaining emoluments payable to the Applicant and deduct the fine imposed on him.

The legal issues

7. During the CMD, the Tribunal also addressed the legal issues to be determined, as well as the standard of evidence required, i.e., preponderance of evidence.

The hearing

8. The Tribunal also addressed whether a hearing was required and noted that while the Respondent considers that the present matter can be decided on the papers, the Applicant is of the view that a hearing is required.

9. To assess whether a hearing shall be held, the Tribunal considers it appropriate to give the Applicant the opportunity to indicate the reasons for his request, and to identify the relevant witnesses to be called and the issues on which they would testify. The Respondent will then have the opportunity to provide his comments on the Applicant's submission.

10. The Tribunal will subsequently decide whether a hearing is to be held and which witnesses are to be called in this respect.

Amicable settlement

11. The above notwithstanding and recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

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

- a. By **Tuesday, 19 September 2023**, the Applicant shall file the information indicated in para.9 above;
- b. By **Friday, 29 September 2023**, the Respondent shall file a response to the Applicant's submission as per para.9 above; and

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c. By **Tuesday, 19 September 2023**, the parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect.

(Signed)

Judge Sun Xiangzhuang

Dated this 8th September 2023

Entered in the Register on this 8th September 2023

(Signed)

René M. Vargas M., Registrar, Geneva