



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

ARNOLD

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

George Irving

**Counsel for Respondent:**

Miryoungh An, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 10 November 2022, the Applicant, a staff member of the United Nations Mission in Kosovo (“UNMIK”), contests the decision to impose on her the disciplinary measure of written censure, in accordance with staff rule 10.2(a)(i), together with the managerial action of managerial coaching for one year.
2. On 9 December 2022, the Respondent filed his reply.
3. By Order No. 122 (GVA/2023) of 18 September 2023, the Tribunal convoked the parties to a case management discussion (“CMD”).
4. On 20 September 2023, the CMD took place, as scheduled, virtually through Microsoft Teams, with Counsel for each party present. At the CMD, the Applicant requested the Tribunal to hold a hearing.
5. By Order No. 126 (GVA/2023) of 21 September 2023, the Tribunal instructed the Applicant to, *inter alia*, file a submission by 2 October 2023 elaborating on the reasons for her request for an oral hearing, and indicating what witnesses and issues are envisaged.
6. On 2 October 2023, the Applicant, in response to Order No. 126 (GVA/2023), filed a submission indicating her reconsideration of her request for an oral hearing and to move, instead, to request leave to submit a rejoinder to the reply.
7. By a filing of 3 October 2023, the Respondent responded to the Applicant’s 2 October 2023 filing, requesting that the Applicant’s motion be denied or, alternatively, to be given a fair opportunity to submit his response to the Applicant’s rejoinder.
8. By Order No. 131 (GVA/2023) of 4 October 2023, the Tribunal agreed to the Applicant’s withdrawal of her request for a hearing and decided to determine the present case based on the written pleadings without holding a hearing on the merits.

9. By the same Order, the Tribunal granted the Applicant's motion for leave to file a rejoinder. The Tribunal instructed her to file it by 10 October 2023 and invited the Respondent to file his comments on the Applicant's rejoinder by 17 October 2023.

10. On 10 October 2023, the Applicant filed her rejoinder.

11. On 17 October 2023, the Respondent filed his response to the Applicant's rejoinder.

### **Consideration**

12. Having examined the parties' submissions to date and the evidence on record, the Tribunal considers that it is fully informed on the matter. Consequently, the Tribunal does not find it necessary to instruct the parties to file closing submissions.

### **Conclusion**

13. Pursuant to art. 19 of the Tribunal's Rules of Procedure, the parties are hereby informed that:

- a. Pleadings in this matter are closed; and
- b. The Tribunal will proceed to adjudicate the matter and deliver its Judgment based on the papers before it.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 24<sup>th</sup> day of October 2023

Entered in the Register on this 24<sup>th</sup> day of October 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva