



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/GVA/2024/029/T
	UNDT/GVA/2024/035
Order No.:	37 (GVA/2025)
Date:	23 April 2025
Original:	English

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**Before:** Judge Sun Xiangzhuang (Presiding), Margaret Tibulya, Sean Wallace

**Registry:** Geneva

**Registrar:** Liliana López Bello

O'REGAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Brandon Gardner, OSLA

**Counsel for Respondent:**

Kong Leong Toh, UNOPS

## **Introduction**

1. The Applicant, a former Special Advisor to the Executive Director at the United Nations Office for Project Services (“UNOPS”) in Copenhagen, challenges his separation from service in two separate applications:

- a. By application filed on 14 April 2024 and registered under Case No. UNDT/GVA/2024/029/T, the Applicant contests the decision to constructively dismiss him following his reassignment to a new position that was abolished after one year of service; and
- b. By application filed on 15 August 2024 and registered under Case No. UNDT/GVA/2024/035, the Applicant contests the decision not to renew his fixed-term appointment (“FTA”) beyond 30 June 2024 following the abolishment of the post he encumbered.

## **Procedural background in Case No. UNDT/GVA/2024/029/T**

2. On 17 June 2024, the Respondent filed his reply.
3. On 13 August 2024, the Tribunal, *inter alia*, instructed the parties to explore resolving the issue amicably, which they declined by a joint submission filed on 11 September 2024.
4. On 4 September 2024, the Applicant filed his rejoinder.
5. On 13 September 2024, the Respondent filed a motion for the Tribunal’s direction. Considering that the Applicant’s rejoinder touched upon claims and arguments raised at Case No. UNDT/GVA/2024/035, which would be the subject of an upcoming reply, he asked the Tribunal’s direction as to whether it wished that he file a separate submission to address the Applicant’s rejoinder.
6. On the same date, the Tribunal instructed the Respondent to file separate submissions to each case.

7. On 27 September 2024, the Respondent filed his comments to the Applicant's rejoinder.

8. By Order No. 22 (GVA/2025) of 21 March 2025, the Tribunal informed the parties that it had decided to appoint a Three-Judge Panel to adjudicate the present case.

9. On 10 April 2025, the Tribunal asked the parties to confirm their availability to attend a virtual Case Management Discussion ("CMD") between 5 and 9 May 2025, at 3 p.m. (Geneva time).

10. By return email of 10 and 13 April 2024, the Respondent and the Applicant respectively confirmed their availability between 5 and 9 May 2025.

**Procedural background in Case No. UNDT/GVA/2024/035**

11. On 18 September 2024, the Respondent filed his reply.

12. On 13 November 2024, the Tribunal, *inter alia*, instructed the parties to explore resolving the issue amicably, which they declined by a joint submission filed on 11 December 2024.

13. On 28 November 2024, the Applicant filed his rejoinder.

14. By Order No. 23 (GVA/2025) of 21 March 2025, the Tribunal informed the parties that it had decided to appoint a Three-Judge Panel to adjudicate the present case.

15. On 10 April 2025, the Tribunal asked the parties to confirm their availability to attend a virtual Case Management Discussion ("CMD") between 5 and 9 May 2025, at 3 p.m. (Geneva time).

16. By return email of 10 and 13 April 2024, the Respondent and the Applicant respectively confirmed their availability between 5 and 9 May 2025.

## **Consideration**

### *Joining of case management*

17. Upon review of the parties' submissions and the evidence on record concerning the two cases above, the ThreeJudge Panel noted that, even though there are two separate administrative decisions under challenge, the two cases have a common factual background and are deeply connected.

18. For reasons of judicial and procedural efficiency, the ThreeJudge Panel has decided, therefore, to join the case management of the two cases above. This means that, moving forward, all case management decisions, such as this Order, all CMDs and hearings, if applicable, will be held concurrently. Furthermore, the evidence assembled in each case record may be cross-referenced.

### *Case management discussion*

19. As notified to the parties on 10 April 2025, the Three-Judge Panel considers it appropriate to invite the parties to a CMD, pursuant to art. 19 of the Tribunal's Rules of Procedure.

20. The purpose of the CMD is to:

- a. Identify the factual and legal issues to be determined;
- b. Consider what further information or evidence, if any, is required;
- c. Consider if the cases may be decided on the basis of the parties' written submissions or if a hearing should be held;
- d. Identify relevant witnesses to be called and agree on dates for said hearing, if needed;
- e. Ascertain whether the parties are amenable to considering an alternative resolution to the disputes; and
- f. Discuss any other matter relevant to the consideration and determination of the Applicant's cases.

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### **Conclusion**

21. In view of the foregoing, it is ORDERED THAT the parties shall attend a virtual CMD via MS Teams on **Tuesday, 6 May 2025, at 3 p.m. (Geneva time)**.

*(Signed)*

Judge Sun Xiangzhuang (Presiding)

Dated this 23<sup>rd</sup> day of April 2025

Entered in the Register on this 23<sup>rd</sup> day of April 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva