



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/042
UNDT/NBI/2019/065
Order No.: 078 (NBI/2020)
Date: 27 April 2020
Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ORIES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for applicant:

George G. Irving

Counsel for respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Nusrat Chagtai, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is an Associate Security Officer with the United Nations Mission in Iraq ('UNAMI'). He serves on a fixed term appointment at the P2 level. He filed applications on 6 April 2019 and 18 June 2019 challenging: (i) the Respondent's refusal of his request for a transfer to a different duty station on medical grounds (Case No. UNDT/NBI/2019/042); and (ii) his failure to afford the Applicant the proper duty of care by continued delay and the refusal of his transfer request (Case No. UNDT/NBI/2019/065), respectively.

2. By Order No. 066 (NBI/2020), dated 9 April 2020, the Tribunal granted the Application's motion for consolidation of the two matters for adjudication. The parties were requested to consider having this matter resolved *inter partes* and to advise the Tribunal if, failing that, they are amenable to the dispute being adjudicated on the basis of their written submissions.

3. On 24 April 2020, the parties filed a joint response to the Order informing the Tribunal that: alternative dispute resolution is unlikely in this case and they are amenable to the case being decided on the papers but request the opportunity to make brief closing submissions. The Applicant moved for leave to file a medical report that was not available at the time of the filing of the second case.

Directions

4. The Applicant's motion for leave to submit the most recent medical report is **granted. The said report is to be filed with a brief explanation of its relevance on or before Wednesday, 29 April 2020.**

5. The Respondent's evidence in rebuttal, if necessary, to the said medical report and a brief closing argument must be filed by **Wednesday 6 May 2020.**

6. The Applicant is directed to file brief closing Arguments by Wednesday, **13 May 2020**.

7. As noted in the previous Order, the Parties are strictly required to adhere to the timelines that have been set.

8. Thereafter, the Tribunal will determine the matter on the papers before it.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 27th day of April 2020

Entered in the Register on this 27th day of April 2020

(Signed)

Abena Kwakye-Berko, Registrar, UNDT, Nairobi