



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/150
Order No.: 018 (NBI/2021)
Date: 15 January 2021
Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

BATTISTA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON CASE MANAGEMENT AND
NOTICE OF CASE MANAGEMENT
DISCUSSION**

Counsel for the Applicant:
George Irving

Counsel for the Respondent:
Nicole Wynn, AAS/ALD/OHR
Maureen Munyolo, AAS/ALD/OHR

Background

1. On 23 October 2019, the Applicant filed an application contesting the Reference Verification Unit's decision to close her reference verification case as "negative employment because [she did] not meet the minimum verifiable 10 years work experience required for the position [she had] been selected for".
2. The Respondent filed a reply on 27 November 2019 in which it is argued that the application is not receivable *ratione materiae*.
3. The Applicant filed submissions in response to the Respondent's reply, as directed by the Tribunal in Order No. 002 (NBI/2021).

ORDER

4. The Tribunal considers that a case management discussion ("CMD") would facilitate fair, efficient and expeditious management and disposal of this case.
5. A CMD will take place on **2 February 2021 at 2 p.m. (Nairobi Time, UTC +3)** using Microsoft Teams.
6. At the CMD, the Tribunal and the parties will:
 - a. Ascertain whether the parties are amenable to considering an alternative resolution to the dispute;
 - b. Agree on the claims and issues in the case;
 - c. Identify the factual and legal issues to be determined;
 - d. Consider what further information, if any, is required;
 - e. Identify any documents to be disclosed;
 - f. Consider if the case may be decided on the basis of the documents, or whether a hearing should be held, and, if there is to be a hearing, to set the

dates, identify the witnesses to be called and the documents to be presented; and

g. Discuss any other matter relevant to these proceedings.

7. As this case management discussion is being held virtually with all parties appearing from their respective locations, please provide the Registry with your relevant contact details by **25 January 2021**.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 15th day of January 2021

Entered in the Register on this 15th day of January 2021

(Signed)

Shamila Unnikrishnan, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi