



**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** Eric Muli, Officer-in-Charge

WYNN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
J rome Blanchard, LPAS/UNOG

## **Introduction**

1. The Applicant, a Legal Officer, Office of Human Resources, Department of Management Strategy, Policy and Compliance, filed an application on 4 July 2023 to contest the decisions: (i) to exclude some mandatory fees from her education grant advance for the 2022-2023 academic year; and (ii) to exclude mandatory fees that had been previously advanced for her son's 2021-2022 academic year, resulting in a recovery of USD1,364.52.

2. The Respondent filed a reply on 3 August 2023 and requests the Tribunal to reject the application in its entirety.

3. The Tribunal held a case management discussion ("CMD") on 3 October 2023. At the CMD, the following matters were discussed:

a. Whether the parties deem it necessary for the Presiding Judge in this matter to recuse himself from the case considering that he also has a dependent child who is attending University in the United States of America and may also be claiming related education grant benefits. The Applicant did not notice any conflict of interest and she was of the view that the Judge should continue to preside over the case. The Respondent requested more time to seek instructions on the matter.

b. Applicant's request for a breakdown for the admissible and non-admissible fees for her two children who have been receiving education grant for the period 2016 to present.

c. Whether or not the Administration consulted the Staff Union before amending and promulgating ST/AI/2018/Rev.1 (Education grant and related benefits).

d. Discovery of other documents relating to education grant.

- e. Filing of a joint statement on agreed and disagreed facts.
- f. Time and duration of the hearing.

4. Further, at the CMD, the Applicant raised the issue of confidentiality. She was concerned that the Respondent's Counsel shares the case details with her supervisors. The Respondent's Counsel denied it. It was agreed that if this continues to be an issue, the Applicant will file a written motion for the Tribunal's consideration.

### **ORDERS**

- 5. On or before **9 October 2023**, the Respondent will indicate whether or not the Presiding Judge in this matter will need to recuse himself from the case.
- 6. On or before **17 October 2023**, the Respondent shall file submissions showing the breakdown of the admissible and non-admissible fees of the Applicant's two dependent children who have been receiving education grant from 2016 to present.
- 7. On or before **17 October 2023**, the Respondent shall provide documentation of any consultations with the Staff Union prior to the amendment of ST/AI/2018/Rev.1.
- 8. On or before **4 November 2023**, the parties shall file a joint statement on the agreed and disagreed facts. For each disagreed fact, each party shall indicate the evidence (document and/or named witness) they intend to offer to prove or disprove that fact.
- 9. For any other discovery requests, the Applicant shall file a motion stating the documents sought and the reasons for the requested documents.
- 10. The parties shall consult with their clients, witnesses and the Tribunal regarding a convenient date for a one-day hearing in November 2023.

Case No. UNDT/NBI/2023/037

Order No.: 154 (NBI/2023)

*(Signed)*

Judge Sean Wallace

Dated this 3<sup>rd</sup> day of October 2023

Entered in the Register on this 3<sup>rd</sup> day of October 2023

*(Signed)*

Eric Muli, Officer-in-Charge, Nairobi