



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: René M. Vargas M., Officer-in-Charge

WYNN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

Jérôme Blanchard, LPAS/UNOG

Introduction

1. On 6 November 2023, in response to Order No. 154 (NBI/2023), the parties filed a joint statement on agreed and disagreed facts. By the same filing, the parties also stated their positions regarding holding a hearing on the merits.

Considerations

2. The Tribunal notes that the parties' submissions raise more questions and are somewhat confusing. The Tribunal, therefore, requests the parties to file more clarifications guided by the following:

a. According to the joint statement, the Applicant proposes to testify "as to her son's enrolment in the Art School at Virginia Commonwealth University". Is this in dispute? If not, the Respondent should confirm.

b. The Applicant proposes to testify as to "her conversations with DoS/HRA regarding the admissibility of the fees". Several of the annexes on record memorialize those communications, as do Agreed Facts at paras. 6 and 7 of the joint statement. Was there something else in these conversations that requires testimony and, if so, what is it?

c. The Applicant proposes to testify as to "her economic damages". Based on the record in this case so far, the Tribunal understands that the economic damages claimed are the fees which were not deemed admissible, and the costs that the Applicant incurred in taking monies from her retirement fund to pay these costs. Is there anything else claimed as economic damages and, if so, what is it?

d. The Applicant proposes to testify as to "any other allegations that the Respondent has not admitted in the Reply, including paragraph 30 of the Application." Since the application does not have a paragraph 30, the Tribunal assumes that this is a typographical error and that the Applicant means paragraph

20 which deals with claims for moral harm. The Applicant should clarify exactly what this proffered testimony will be about.

e. The Applicant proposes to present the testimony of a Human Resources Assistant, Ms. Denise Badila. This seems to be covered by para. 2.b above. The Applicant should clarify if it is something else and, if so, exactly what is the anticipated testimony. Also, the Applicant says that Ms. Badila would testify to “the fact they [the fees at issue in this case] would have been admissible if charged as part of tuition or combined with tuition.” Is that disputed by the Respondent?

f. The Applicant proposes either:

i. To call an Administration representative of the Global Strategy and Policy Division to testify regarding the reasons for the revision of the Education Grant administrative instruction immediately following the General Assembly’s adoption of Resolution 70/244 (A/RES/70/244); or

ii. Production of “the requests for comments for each revision of the Education Grant AI since December 2015 including the stated reasons for each of the proposed changes.” The Tribunal notes that those comments were not requested during the Case Management Discussion. Nonetheless, is there any reason why the Respondent is unwilling or unable to produce those requests for comments to the Applicant?

g. The Respondent says that a hearing is not necessary, but if one is held, he proposes to call as a witness, the Human Resources Officer, Ms. Ana Parrondo-Rodriguez. What would Ms. Parrondo-Rodriguez’s testimony be?

ACCORDINGLY, THE TRIBUNAL ORDERS THAT:

3. On or before **Monday, 20 November 2023**, the Applicant shall answer in writing the questions set forth in paras. 2.b to 2.e above.

4. By the same date, the Respondent shall answer in writing the questions set forth in paras. 2.a, and 2.e to 2.g above.

5. By the same date, unless the Respondent is unwilling or unable to produce the requests for comments referenced in para. 2.f.ii, he shall file copies of those requests.

(Signed)

Judge Sean Wallace

Dated this 10th day of November 2023

Entered in the Register on this 10th day of November 2023

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi