



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. The Applicant, a Legal Officer in the Office of Human Resources, Department of Management Strategy, Policy and Compliance, filed an application on 4 July 2023 to contest the decisions to exclude mandatory fees:

- a. From her education grant advance for the 2022-2023 academic year; and
- b. 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 requesting the Tribunal to reject the application in its entirety.

3. The Tribunal held a second case management discussion ("CMD") on 6 February 2024.

Consideration

4. At the 6 February 2024 CMD, the following matters were discussed:

Circulation of the exact changes to administrative instruction ST/AI/2018/Rev.1/Amend.1 (Education grant and related benefits)

- a. The Applicant submits that the Administration has not provided a document of the type usually circulated for comment amongst stakeholders regarding a proposed change in the administrative instruction.
- b. The Applicant committed to share with the Respondent, in a period of one week, an example of the type of document she expects to have been issued from the Global Strategy and Policy Division ("GSPD"). The Respondent, upon receipt of the Applicant's comparable document, shall either file the expected document from GSPD or a certification from a responsible official confirming that such a document does not exist.

Applicant's withdrawal of a claim

c. In paragraph 14 of her application, the Applicant claims that the Administration did not consult the staff union before promulgating the change to ST/AI/2018/Rev.1/Amend.1 so as to avoid any challenge to it. However, following the subsequent filings by the Respondent, the Applicant is convinced that relevant consultations were made and thus offered to withdraw this claim.

Enrollment of the Applicant's son in the Art School at Virginia Commonwealth University ("VCU")

d. The Applicant claims that her son is enrolled in the Art School at VCU. However, the Respondent indicated that the Administration does not have any letter of his admission on file. The Applicant agreed to file a letter of her son's admission by 27 February 2024.

Proposed witness - Ms. Denise Badila

e. The Applicant submits that she had a conversation on MS Teams with Ms. Badila. The Applicant agreed to share with the Respondent a summary of her MS Teams conversation with Ms. Badila by 27 February 2024.

Moral and economic damages suffered by the Applicant

f. The Applicant will file a statement detailing both moral and economic damages that she is claiming in this case.

Testimony of Ms. Ana Parrando

g. The Respondent will file Ms. Parrando's witness statement.

The possibility of settling

h. The parties indicated their willingness to consult further with a view of settling the matter amicably.

Next CMD

- i. The parties agreed to participate at another CMD on 19 March 2024 at 11 a.m. (Nairobi time) to evaluate the progress of the case and to determine whether there will still be any need for a hearing.

Conclusion

5. In view of the foregoing, it is ORDERED THAT:
 - a. On or before **Monday, 12 February 2024**, the Applicant shall share with the Respondent an example of the document she expects to have been sent from GSPD;
 - b. On or before **Tuesday, 27 February 2024**, the Respondent shall:
 - i. Either file the expected document from GSPD or a certification from a responsible official confirming that such a document does not exist; and
 - ii. File the witness statement of Ms. Ana Parrando.
 - c. On or before **Tuesday, 27 February 2024**, the Applicant shall:
 - i. Provide documentation certifying her son's admission to and enrolment in the Art School at VCU;
 - ii. Share with the Respondent a summary of the MS Teams conversation she held with Ms. Badila; and
 - iii. File a statement detailing both moral and economic damages that she suffered as a result of the contested decisions.
 - d. On or before **Tuesday, 27 February 2024**, the parties shall inform the Tribunal on the progress of their consultations regarding the amicable settlement of the case;

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- e. The parties will attend a third CMD in this case to be held on **Tuesday, 19 March 2024 at 11 a.m.** (Nairobi time).

(Signed)

Judge Sean Wallace

Dated this 7th day of February 2024

Entered in the Register on this 7th day of February 2024

(Signed)

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