



**Before:** Judge Francesco Buffa

**Registry:** Nairobi

**Registrar:** Wanda L. Carter

RASCHDORF

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
MOTION FOR PRODUCTION OF  
EVIDENCE AND REQUEST FOR  
ANONYMITY**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Victoria Mujunga, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 21 December 2023, the Applicant, a former Political Affairs Officer with the United Nations Assistance Mission for Iraq (“UNAMI”) filed an application contesting:

- a. The Advisory Board on Compensation Claims’ (“ABCC”) recommendation of 30 June 2023, rejecting the Applicant’s Appendix D claim of 12 November 2020;
- b. The United Nations Controller’s decision of 11 October 2023, denying a claim for compensation under Appendix D to the Staff Rules;
- c. The ABCC Secretariat’s decisions of 11 October and 19 October 2023, upholding the Controller’s refusal to constitute a new medical board to appeal the decision not to waive deadlines and allow corrections of alleged procedural mistakes by the Organization.

2. The Applicant also appeals the following consequential decisions:

- a. All DHMOSH decisions from April 2019 onwards marked A17, A18, A6 and A7 in the application.
- b. The issuance of a 72-hour travel ultimatum by the UNAMI Chief of Mission Support/Kuwait Joint Support Office (“CMS/KJSO”) on 27 May 2019, during an approved sick leave period;
- c. The incorrect classification of the end of contract decision of 31 May 2019;
- d. The endorsement of a disciplinary travel ultimatum by UNAMI through the Division of Healthcare Management and Occupational Safety and Health (“DHMOSH”) on 26 June 2019, during an approved sick leave in May 2019;
- e. The ‘non-decision’ by the CMS of June 2019,

- f. The ‘likely’ decision of the Regional Security Coordinator to request and authorize the travel of an incapacitated staff member; and
3. The Respondent filed a reply on 29 January 2024, in which it argued that the application was not receivable.
4. On 1 February 2024, the Applicant filed a motion requesting for production and introduction of evidence.
5. The Applicant responded to the Respondent’s arguments on receivability on 3 April 2024.
6. The case was assigned to the undersigned Judge on 5 August 2024.
7. On 24 September 2024, the Applicant filed a motion requesting anonymity to protect the privacy of her medical information.

### **Consideration**

8. Article 19 of the Tribunal’s Rules of Procedure provides that “[t]he Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties”.
9. Having reviewed the submissions filed by the parties, the Tribunal considers it necessary to first address the issue of receivability.
10. Under the jurisprudence of the Tribunal, transparency in the administrative justice system is paramount, and anonymity should not be granted unless there are exceptional circumstances warranting departing from the general principles and from the well-established jurisprudence<sup>1</sup>

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<sup>1</sup> See *AO* Order No. 171 (NBI/2024) at para. 3 citing *Castelli* UNDT/2023/130, para. 7; *Buff* 2016-UNAT-639, paras. 21-24; *Kazazi* 2015-UNAT-557, para. 21; *Fedorchenko* 2015-UNAT-499, para. 29; *Lee* 2014-UNAT-481, para. 34-35; *Pirnea* 2014-UNAT-456, paras. 18-20; *Charot* 2017-UNAT-715, paras. 27-38.

11. The Applicant's request for anonymity is based on her personal situation that will not come into play in a judgment based only in receivability and not in the merits of the case.

**Conclusion**

12. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion requesting for production and introduction of evidence is rejected as it is not relevant for an assessment limited to receivability.
- b. A judgment on receivability will be issued in due course.
- c. The Applicant's motion requesting anonymity is denied.

*(Signed)*

Judge Francesco Buffa

Dated this 25<sup>th</sup> day of September 2024

Entered in the Register on this 25<sup>th</sup> day of September 2024

*(Signed)*

Wanda L. Carter, Registrar, Nairobi