



Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

EL-SIBAII

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR/UN Secretariat
Tamar Gongadze, AS/ALD/OHR/UN Secretariat

Introduction

1. By application filed on 21 November 2024, the Applicant, a Programme Management Officer, Office of the Executive Secretary, United Nations Economic and Social Commission for Western Asia, based in Beirut, filed an application challenging what she describes as “comments on 2023-24 ePAS which detract from the overall rating” (Section V of the application).

2. By the same application, the Applicant seems also to be challenging two other decisions, namely:

a. The closure of her complaint against her Second Reporting Officer (“SRO”) without pursuing a disciplinary process (paragraph 13 of the application).

b. The decision of the Local Property Survey Board (“LPSB”) which found her to have been grossly negligent when her office laptop was stolen from her (paragraph 20 of the application).

3. The Respondent submitted a reply on 26 December 2024 where it argued that the contested decision, in relation to the comments on 2023-24 ePAS is not receivable because the Applicant does not contest an administrative decision within the meaning of art. 2.1 (a) of the Dispute Tribunal’s Statute.

4. The Respondent further contends that:

a. To the extent that the Applicant may be seeking to challenge the decision to close her complaint against her SRO, this claim is also not receivable, as the Applicant did not seek management evaluation of this decision.

b. Should the Applicant be seeking to challenge the LPSB’s finding of gross negligence in relation to her laptop, this claim is not receivable. The Applicant has not exhausted internal remedies and may not bring this claim in the first instance before the Dispute Tribunal.

- c. Should the Tribunal consider the Application receivable, the application has no merit.

Consideration

5. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue an order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

6. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to give the Applicant an opportunity to comment on the Respondent's reply by means of a rejoinder.

Conclusion

7. In view of the foregoing, it is ORDERED THAT by **Friday, 7 February 2025**, the Applicant shall file a rejoinder:

- a. Clarifying the exact contested decision(s) she is contesting and submit evidence of management evaluation request of the decisions, where it was not provided; and
- b. Addressing the Respondent's arguments in the reply, and **more specifically**, responding to the receivability issues raised by the Respondent.

(Signed)

Judge Sean Wallace, Duty Judge
Dated this 27th day of January 2025

Entered in the Register on this 27th day of January 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi