



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2024/060
Order No.: 14 (NBI/2025)
Date: 12 February 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

AEM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON THE APPLICANT'S MOTIONS
AND ON CASE MANAGEMENT**

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

Halil Göksan, AS/ALD/OHR/UN Secretariat

Tamal Mandal, AS/ALD/OHR/UN Secretariat

Introduction

1. On 21 November 2024, the Tribunal held a Case Management Discussion to discuss whether a hearing was necessary in this case. The Applicant requests a hearing at which she proposes to call herself and her treating physician. To assist in determining whether this testimony is necessary and thus whether a hearing should be held, the Tribunal directed the Applicant to file summaries of the testimonies intended to be adduced from the Applicant and the Applicant's Doctor by 9 December 2024. The Respondent was directed to file a response to the Applicant's submissions by 16 December 2024. (*See*, Order No. 156 (NBI/2024)).

2. The Applicant submitted that "her testimony would assist the Tribunal in having a better understanding of her case considering that her situation is long-standing and presents many layers of complexity." She also requested to tender a written statement from the doctor instead of live testimony.

3. The Respondent asserted that an oral hearing would not assist the Tribunal in adjudicating the case as there are no disputed facts. Further the Respondent asserted that the Applicant has failed to specify the disputed facts to which she would testify.

4. The Tribunal agreed with the Respondent and issued Order No. 168 (NBI/2024) directing the Applicant: to file a submission "setting forth exactly what facts are in dispute and the specific testimony that is being offered regarding each disputed fact". With respect to the proposed doctor's statement, the Applicant was directed to file the written statement for review.

5. The Applicant filed a response to Order No. 168, and the Respondent replied thereto.

6. Again, the Applicant's submission repeats that "her testimony would assist the Tribunal in having a better understanding of her case, considering that her situation is long standing and that the case presents many layers of complexity." She then describes a chronology of events leading up to the contested decision. The Respondent correctly points out that the Applicant has failed to identify any

disputed facts and that the proposed testimony is either irrelevant or already in the case record.

7. Despite several attempts to get the Applicant to set out exactly what facts are in dispute and how a hearing will help resolve that dispute, she has failed to do so. The Tribunal has examined the parties' submissions and the evidence on record and finds that the matter is fully informed and can be determined without holding a hearing.

8. Regarding the Applicant's request to include in the record a written statement from her treating physician, the Respondent has not objected to the statement and the Tribunal deems it to be relevant. Thus, the Applicant's request is granted, and the written statement of her doctor will be accepted into the record.

9. The Applicant also requests anonymity due to the sensitive and private nature of the medical information included in the application and because she was a victim of the Beirut port explosion. She prefers to remain anonymous in order not to jeopardize her future career opportunities with public disclosure of her injuries and resulting health conditions, or the medical treatments she has received.

10. The Tribunal notes that the Respondent does not object to the request for anonymity. The grounds on which the request for anonymity is made are reasonable, the Tribunal will grant the request.

11. Finally, the Applicant has indicated that she intends to file challenges to two additional administrative decisions. The first decision arises from the denial of her 15 August 2024 request to work remotely "based on the obvious change of circumstances (both individual and collective) affecting the request." The second challenge is to the denial of her 16 October 2024 request for "ESCWA to pay the insurance premiums that she incurred during SLWOP." The Applicant asks the Tribunal for its preferences and directions about whether to file these new applications in the current case or separately.

12. Preliminarily, it is important to note that the Tribunal does not give advice to parties appearing before it on how best to litigate their cases. Doing otherwise would imperil the Tribunal's role as an impartial adjudicator.

13. Moreover, the Tribunal will not issue rulings or directions with respect to cases that have yet to be filed. Even assuming the facts as alleged by the Applicant regarding her future claims, it is clear that each decision will rise or fall on its own merits. There might be issues of receivability in one case and not the other. The facts seem to be different as alleged. As noted, the newer telework request is based on "changed circumstances," and thus different from the factual circumstances in this case, so the analysis will be different. And the claim for reimbursement of insurance premiums is completely different from the pending claim.

14. Additionally, directing the Applicant to file new claims in this case, as she requests, would certainly cause undesirable delay in disposing of this case. For all these reasons, the Applicant's requests for directions on how to proceed in yet to be filed cases shall be denied.

Conclusion

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

- a. The Applicant's request for an oral hearing is denied;
- b. The Doctor's written statement is admitted into the case record;
- c. The Applicant's request for directions on how to proceed in yet to be filed cases is denied;
- d. The Applicant's request for anonymity is granted;
- e. By **Friday, 21 February 2025**, the parties shall file their closing submissions; and

f. The said submissions shall not exceed five pages (excluding the cover and signature pages), in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Sean Wallace

Dated this 12th day of February 2025

Entered in the Register on this 12th day of February 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi