



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NY/2016/010  
Order No.: 209 (NY/2016)  
Date: 31 August 2016  
Original: English

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**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

**Registrar:** Hafida Lahiouel

HOSANG

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Nicholas C. Christonikos

**Counsel for Respondent:**  
Alan Gutman, ALS/OHRM, UN Secretariat

## **Introduction**

1. On 18 March 2016, the Applicant, a Records Clerk at the GS-4 level in the Field Personnel Division, Department of Field Support (“DFS”), filed an application contesting the decision not to select him for the post of Records Assistant, DFS, at the GS-5 level. He states that he was notified of the contested decision on 23 September 2015. The Applicant submits that the selection process was unduly delayed and that he did not receive full and fair consideration, which resulted in the unequal treatment of his candidature. He seeks “compensation for emotional distress arising from the administrative delay and the moral injury caused by the unequal treatment in the selection process that resulted in denying him the position.”

2. On 21 April 2016, the Respondent replied to the application, submitting that the Applicant was fully and fairly considered for the post in accordance with the Organization’s rules on staff selection. The Respondent also submits that the length of the recruitment process was reasonable and caused no injury to the Applicant.

## **Case management**

3. Both parties have submitted concise and clear submissions. The material facts do not appear to be in dispute, and neither the application nor the reply contain any requests for a hearing or propose any witness testimony. Indeed, having reviewed the case file, the Tribunal is of the view that this matter could be decided on the papers filed. Accordingly, the parties will be directed to file their final submissions, addressing the points raised in each other’s filings.

4. Should either party decide to seek an oral hearing, they may include such a request in their final submission, stating the reasons for it, bearing in mind that the main purpose of an oral hearing is to hear witness testimony. Therefore, should either party request a hearing, they shall identify the witnesses they seek to introduce at the hearing; provide brief statements of the evidence they intend to elicit from them; and explain the relevance of their proposed testimony to the present case.

5. The parties are reminded that they are free to attempt informal resolution of the dispute through the United Nations Ombudsman and Mediation Services or via *inter partes* discussions. Should the parties decide to attempt informal resolution of the matter, they shall promptly inform the Tribunal thereof and seek suspension of the proceedings.

6. Pursuant to art. 19 of the Tribunal's Rules of Procedure, and in the interests of a fair and expeditious disposal of the case,

IT IS ORDERED THAT:

7. By **5:00 p.m., Friday, 9 September 2016**, the parties shall file their final submissions, bearing in mind paras. 3–5 of the present Order.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 31<sup>st</sup> day of August 2016