



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Hafida Lahiouel

MICHAUD

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
François Lorient, Esq.

Counsel for Respondent:
Thomas Jacob, UNDP

Introduction

1. On 3 August 2015, the Applicant, an Investigations Specialist at the P-4 level at the United Nations Development Programme (“UNDP”), filed an application contesting:
 - (a) decision to allow the conduct of an unlawful investigation in violation of UN/UNDP procedures and of due process;
 - (b) decision to issue a reprimand based on such illegal investigation and its highly disputed evidence;
 - (c) decision, in spite of the above irregularities, to prolong and compound the harm caused to the reputation, health and contractual rights of Applicant and of his family, by denying him due process under the UNDP *Performance Plan Assessment* procedures and UN Staff Rule 1.3, with a threat to use the unlawful [Office of Audit and Investigations] investigation report in the future.
2. On 2 September 2015, the Respondent filed a reply to the application.
3. By Order No. 213 (NY/2015) dated 3 September 2015, the Tribunal ordered the Applicant to file a response to the Respondent’s reply to the application, including on the issues of receivability.
4. On 24 September 2015, the Applicant filed a response to the Respondent’s reply.
5. On the same day, the Applicant also filed a motion for joinder of parties, disclosure of documents, and recusal of the UNDP Legal Support Office as Counsel for the Respondent.
6. By Order No. 257 (NY/2015) dated 2 October 2015, the Tribunal ordered the Respondent to file separate responses to (a) the Applicant’s response to the Respondent’s reply; and (b) the Applicant’s motion.

7. On 8 October 2015, the Respondent filed a response to the Applicant's motion.

8. On 16 October 2015, the Respondent filed a response to the Applicant's response to the Respondent's reply.

9. By Order No. 270 (NY/2015) dated 16 October 2015, the Duty Judge ordered that the case join the queue of pending cases and that the Applicant's motion be decided when a Judge is assigned to the case in due course.

10. On 9 May 2016, this case was assigned to the formerly assigned Judge.

11. By Order No. 129 (NY/2016) dated 3 June 2016, and having reviewed the submissions filed in the present case, the formerly assigned Judge instructed the parties to attend a Case Management Discussion ("CMD") on Monday, 13 June 2016.

12. By email dated 7 June 2016, the Registry was informed that the Respondent had changed his Counsel.

13. At the CMD on 13 June 2016, the formerly assigned Judge invited the parties to consider an amicable solution to the present case. On 16 June 2016, the Respondent filed a submission stating that he did not find that the case was amenable to informal resolution.

14. By Order No. 158 (NY/2016) dated 30 June 2016, the formerly assigned Judge recused herself from handling the present case. The case was then reassigned to the undersigned Judge.

Consideration

15. After having carefully reviewed the case file, the Tribunal will allow the Applicant to file his reply, if any, to the Respondent's 16 October 2015 response after which it will proceed to decide the case on the papers before it.

IT IS ORDERED THAT

16. By **1:00 p.m., Wednesday, 12 October 2016**, the Applicant is to file his comments, if any, to the Respondent's 16 October 2015 response. The case will thereafter be determined on the papers before the Tribunal.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 7th day of October 2016