



Before: Judge Alexander W. Hunter, Jr.
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

TEO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Michael Brazao, OSLA

Counsel for Respondent:
Jérôme Blanchard, HRLU/UNOG

Introduction

1. On 15 March 2017, the Applicant, a Human Rights Officer at the P-3 level, step 8, with the Office of the United Nations High Commissioner for Human Rights (“OHCHR”), filed an application in which she makes the following appeal:

As the present Application will make clear, the contested decision consists of two inextricably intertwined components.

Component “A”: The Applicant’s assignment by her employer, OHCHR, to a General Temporary Assistance (“GTA”) post contrary to the express terms of a post-matching exercise whereby she was informed in writing that she would be laterally transferred from her former post in the Asia-Pacific Section (“APS”) at the Geneva duty station of OHCHR to a regular-budgeted post in the Sustainable Development Goals (“SDG”) Section (formerly known as the Millennium Development Goals or “MDG” Section) at the New York duty station of OHCHR.

Component “B”: Failure of the Applicant’s employer to assign her appropriate functions commensurate with the SDG position she accepted in good faith pursuant to the above-referenced post-matching exercise.

2. On 17 March 2017, the Registry acknowledged receipt of the application on 15 March 2017 and, pursuant to art. 8.4 of the Rules of Procedure, transmitted it to the Respondent, instructing him to file a reply by 17 April 2017 in accordance with art. 10 of the Rules of Procedure.

3. On 17 April 2017, the Respondent filed his reply in which he submits that, in its entirety, the application is not receivable *ratione materiae* as none of the contested decisions constitute administrative decisions within the meaning of staff rule 11.2(a) or the Dispute Tribunal’s Statute and jurisprudence. Notwithstanding the submissions on receivability, the Respondent also contends that the application is without merit.

4. The present case was reassigned to Judge Alexander W. Hunter, Jr. on 8 January 2018.

5. By Order No. 10 (NY/2018) issued on 19 January 2018, the Tribunal instructed the Applicant to file a response to the Respondent's reply including on the submissions on non-receivability by 2 February 2018.

6. On 29 January 2018, the Applicant filed a motion for extension of time to file a response to the Respondent's reply. The Applicant informed the Tribunal that the Applicant's counsel went on leave on 18 January 2018 and returned on 29 January 2018, learning of the Tribunal's instructions in Order No. 10 (NY/2018) for the first time upon his return. Given these circumstances, the Applicant requested a one-week extension to the 2 February 2018 deadline so that the Applicant may benefit from the effective assistance of her counsel.

7. By Order No. 22 (NY/2018) issued on 31 January 2018, the Tribunal granted the Applicant's request for an extension of time and instructed the Applicant to file a response to the Respondent's reply, including on the submissions on non-receivability by 9 February 2018.

8. On 8 February 2018, the Applicant filed a response to the Respondent's reply.

9. Having considered the parties' submissions, pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and for a fair disposal of the case,

IT IS ORDERED THAT:

10. The parties, including the Applicant, are to attend a case management discussion at **10:30 a.m. on Thursday, 22 February 2018** at the Dispute Tribunal's courtroom in New York;

11. The parties are to confirm their participation by **5:00 p.m. on Monday, 19 February 2018**, including, in case any of them will not be able to participate in person, the relevant contact information (two telephone numbers, preferably a land line and a cellular phone).

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 12th day of February 2018