



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

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

SERA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**

**ON CASE MANAGEMENT**

---

**Counsel for Applicant:**

Duke Danquah, OSLA

**Counsel for Respondent:**

Alan M. Gutman, ALS/OHRM, UN Secretariat

Alister Cumming, ALS/OHRM, UN Secretariat

## **Introduction**

1. On 22 September 2016, the Applicant, a former Benefits Assistant at the G-4 level, step 4, with the United Nations Joint Staff Pension Fund, filed an application contesting the decision not to renew her temporary appointment beyond 12 June 2016.

2. On 23 September 2016, the Registry acknowledged receipt of the application and transmitted it to the Respondent in accordance with art. 8.4 of the Rules of Procedure of the Dispute Tribunal, instructing him to submit his reply within 30 calendar days, that is, no later than 24 October 2016, pursuant to art. 10 of the Rules of Procedure.

3. On 26 September 2016, the Applicant filed a motion to amend the application, and also submitted the amended application with annexes.

4. By Order No. 227 (NY/2017) dated 29 September 2017, the Tribunal granted leave for the Applicant's motion to amend the application and extended the time limit for the Respondent to file the reply to 28 October 2016.

5. On 28 October 2017, the Respondent filed his reply in which he claims that the application is without merit.

6. By Order No. 178 (NY/2017) dated 30 August 2017, the Tribunal ordered the parties, by 29 September 2017, to file a joint submission, *inter alia*, outlining a consolidated list of agreed and disputed facts and a list of any further information or document(s) to be produced, and stating whether the case could be decided on the papers.

7. On 29 September 2017, the parties filed the joint submission in response to Order No. No. 178 (NY/2017) in which they outlined a consolidated list of agreed and contested facts. The Applicant provided a list of further documents which she wished to rely on and appended these documents to the joint submission to which the Respondent objected along with a range of facts listed by the Applicant, submitting,

in essence that, to the Respondent's prejudice, the Applicant had had "ample opportunity, in both the original application and the amended application filed pursuant to Order No. 227 (NY/2016), to set out the facts upon which she relied" and instead now sought "to introduce new facts and arguments". Neither party requested an oral hearing.

8. On 1 January 2019, the present case was assigned to the undersigned Judge.

### **Consideration**

9. Based on the parties' submissions, the Tribunal observes that the parties appear to agree that the Applicant's temporary appointment was not renewed due to alleged performance deficits. In light thereof, on a preliminary basis and without prejudice to any subsequent findings, the Tribunal identifies the issues of the case as follows:

a. Whether a supervisor is obliged to provide guidance and feedback to a staff member on a temporary contract during the course of the appointment and not simply at its expiry and, in the affirmative, if the Applicant's supervisor(s) did so in the present case;

b. If the non-renewal of the Applicant was tainted by ulterior motives.

10. With reference to the joint submission of 29 September 2017, the Tribunal further notes that as neither party requests an oral hearing, the case will be decided on the papers. In the interest of justice, the Tribunal will therefore grant the Applicant's request for filing further written evidence, namely the written documentation appended to the joint submission of 29 September 2017.

11. Consequently, the next step of the procedure will be for the Applicant to file her closing submissions based solely on the documentation and submissions already before the Tribunal. Subsequently, in order to ensure no prejudice to the Respondent, he is to file his closing submissions in response to the Applicant's closing

submissions. Finally, as the moving party, the Applicant will have the option of filing her comments thereon.

12. In light of the above,

IT IS ORDERED THAT:

13. Upon the request of the parties, no oral hearing is to be held in the present case which shall be determined on the papers before the Tribunal;

14. The Applicant's request to file additional written documentation, as appended to the jointly-signed submission of 29 September 2017, is granted;

15. By **4:00 p.m. on Monday, 21 January 2019**, the Applicant is to file her closing submissions based solely on the documentation and submissions already before the Tribunal. This statement is not to be longer than five pages using Times New Roman, font size 12, with 1.5 line spacing;

16. By **4:00 p.m. on Monday, 4 February 2019**, the Respondent is to file his closing submissions in response to the Applicant's closing submissions. This statement is not to be longer than five pages using Times New Roman, font size 12, with 1.5 line spacing;

17. By **4:00 p.m. on Friday, 8 February 2019**, the Applicant is to file her comments, if any, to the Respondent's closing submission. This statement is not to be longer than two pages using Times New Roman, font size 12, with 1.5 line spacing.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 8<sup>th</sup> day of January 2019