



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

STEFANIZZI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Robbie Leighton, OSLA

Counsel for Respondent:
Alister Cumming, ALS/OHRM, UN Secretariat

Introduction

1. On 9 December 2016, the Applicant, a P-5 level Chief, Integrated Support Services with the United Nations Stabilization Mission in Haiti (“MINUSTAH”) filed an application contesting the Administration’s decision finding that “the Applicant did not meet the minimum requirements for participating in the rostering exercise—for the Generic Job Opening of Chief Service Delivery D-1 [Generic Job Opening #15-LOGFMADFS-45021-P-Field Locations (“GJO 45021”)] and being screened out of the rostering exercise for that post”. This case was registered under Case No. UNDT/NY/2016/072.

2. On 9 January 2017, the Respondent filed his reply submitting that the application is without merit.

3. On 28 March 2018, by Order No. 70 (NY/2018), the Tribunal noted that the Applicant had filed a prior application on 10 June 2016 in which she contested the Administration’s decision “to exclude [the Applicant] from generic recruitment exercise for Chief Service Delivery D-1 [GJO 45021].” This case was registered under Case No. UNDT/NY/2016/023. Noting the common factual background to Case No. UNDT/NY/2016/023 and Case No. UNDT/NY/2016/072, the Tribunal ordered the Applicant to file a submission by 13 April 2018, indicating, *inter alia*, whether the Applicant requires any amendments to the pleadings or submissions.

4. On 6 April 2018, pursuant to Order No. 70 (NY/2018), the Applicant filed a submission in which she confirmed that the two cases have a common factual background and essentially contests identical decisions. She requested leave to withdraw Case No. UNDT/NY/2016/023 and confirmed that she sought a determination from the Tribunal only in relation to the present case (Case No. UNDT/NY/2016/072).

5. On 6 April 2018, by Order No. 79 (NY/2018), the Tribunal granted the Applicant's motion to withdraw Case No. UNDT/NY/2016/023, noting that the withdrawal would be without prejudice to the Applicant's right to rely on the pertinent facts and submissions in the case being withdrawn insofar as they may be applicable to the present case.

6. By Order No. 157 (NY/2018) dated 8 August 2018, the Tribunal ordered the parties, by 7 September 2018, to file a joint submission outlining a consolidated list of agreed and disputed facts, a list of agreed legal issues, 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 7 September 2018, the parties filed the joint submission as per Order No. 157 (NY/2018) in which the parties, *inter alia*, stated that neither of them requested production any further information or documentation and that they agreed to have the case decided on the papers.

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

Consideration

9. Based on the parties' submissions, on a preliminary basis and without prejudice to any subsequent findings, the Tribunal identifies the issues of the case as follows:

- a. Whether GJO 45021 was appropriately drafted under the relevant legal framework; and
- b. Whether it was proper for the Administration to reject the Applicant's job application for GJO 45021 based on her alleged inadequate work experience.

10. With reference to the joint submission of 7 September 2018, the Tribunal notes that as neither party requests the production of any further information or documentation and they agree to have the case decided on the papers, the Tribunal will proceed accordingly. Since no more evidence is to be presented, the next step of the procedure will be for the parties to file their closing submissions based solely on the documentation and submissions already before the Tribunal.

11. In light of the above,

IT IS ORDERED THAT:

12. 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;

13. By **4:00 p.m. on Monday, 21 January 2019**, the parties are to file their closing submissions based solely on the documentation and submissions already before the Tribunal. Each statement is to be no longer than four pages using Times New Roman, font size 12, with 1.5 line spacing;

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 8th day of January 2019