



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

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

KITAGAWA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Alan Gutman, ALD/OHR, UN Secretariat

## **Introduction**

1. On 28 September 2018, the Applicant filed an application contesting the decision not to extend his fixed-term appointment as a Team Assistant in the Language and Communications Programme Learning, Development and Human Resources Services Division, Office of Human Resources Management.

2. On 10 December 2018, the Respondent filed his reply.

3. On 3 April 2019, the case was reassigned to the undersigned Judge.

4. On 21 May 2019, by way of Order No. 89 (NY/2019), the Tribunal ordered the parties to file a joint submission by 28 May 2019 in which they were to inform the Tribunal whether they agree to decide this case on the papers or request a hearing on the merits. In case the parties agree to decide this case on the papers, the Tribunal further ordered the Applicant to file his closing submission by 31 May 2019, and the Respondent to file his closing submission by 6 June 2019.

5. On 23 May 2019, the Respondent informed the Tribunal that the Respondent has “contacted the Applicant to initiate discussions, but [has] received no response in the last 3 days”, and therefore requested an extension for the deadline to file the joint submission to 30 May 2019. The Tribunal granted the extension request by email dated 23 May 2019.

6. On 30 May 2019, the Respondent filed a submission pursuant to Order No. 89 (NY/2019), stating that the Respondent “has not received a response from the Applicant to requests dated 21 May 2019, 23 May 2019, and 29 May 2019 to initiate

discussions on drafting a joint submission. In the absence of a response from the Applicant, the Respondent agrees that the Dispute Tribunal may decide this case on the papers”.

### **Consideration**

7. As at the date of this Order, no submission or further correspondence has been received by the Registry from the Applicant or anyone on his behalf. The Registry has made several attempts between 24 May 2019 and 2 June 2019 to contact the Applicant via the telephone number provided in his personal details and has received no response.

8. The Dispute Tribunal has on several occasions pronounced the principle of procedural law that the right to institute and pursue legal proceedings is predicated upon the condition that the person exercising this right has a legitimate interest in initiating and maintaining legal action and that access to the court has to be denied to those who are no longer interested in the proceedings or are no longer in need of judicial remedy (*Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047).

9. In light of the above,

IT IS ORDERED THAT:

10. **By 4:00 p.m. on Wednesday, 12 June 2019**, the Applicant shall file a submission indicating whether he maintains his claims, and if so, why he failed to file a submission pursuant to Order. No. 89 (NY/2019).

11. The Registry is to send a copy of this order by registered mail on an expedited basis to the address on file for the Applicant.

12. The Respondent's deadline to file his closing submission is vacated until further order.

13. In the event that the Applicant further fails to comply with the Tribunal's Order, this application may be dismissed for want of prosecution in its entirety without liberty to reinstate.

*(Signed)*

Judge Alexander W. Hunter Jr.

Dated this 4<sup>th</sup> day of June 2019