



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

COLLINS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
George Irving

Counsel for Respondent:
Federica Midiri, UNFPA

Introduction

1. On 17 April 2017, the Applicant, a Technical Advisor at the P-5 level with the Technical Division in the United Nations Population Fund (“UNFPA”), filed an application contesting the termination of her fixed-term appointment for abolition of post. The impugned decision was notified to the Applicant on 2 December 2016, and she was separated on 27 January 2017.

2. On 18 May 2017, the Respondent filed a reply contending that the contested decision was the result of the Administration’s valid exercise of discretion, which was in line with procedural requirements and that it was not arbitrary or based on improper motivation.

3. Having considered the application and the reply and the responses to previous case management orders, the Tribunal finds that further information is required of the parties so that the Tribunal can decide whether this case may be considered and determined on the basis of the documents on file or whether a hearing is required.

IT IS ORDERED THAT:

4. By **4:00 p.m., Wednesday, 21 August 2019**, the Applicant shall file a submission providing the following information:

a. Whether the Applicant applied for any vacant positions including the positions identified in Annex 28 of the application or otherwise expressed an interest in any positions in light of the abolition of her post, and if so, provide the supporting documentation.

5. By **4:00 p.m., Wednesday, 21 August 2019**, the Respondent shall file a submission as follows:

a. Documentation with regard to the funding situation for the Technical Division, including the regular resources budget and the Unified Budget,

Results and Accountability Framework (“UBRAF”) funding for the Technical Division from 2014 to 2017;

b. State if the Respondent considered the Applicant for any available posts in accordance with staff rule 9.6(e) and corresponding provisions in the UNFPA Policies and Procedure Manual, Separation from Service. If the Respondent found the Applicant not suitable for any posts, the Respondent shall state the reason for such decision for each post that the Applicant was considered for. The Respondent is to provide written evidence in support of the Respondent’s response;

c. State if the Respondent considered the Applicant for the position of Innovation Technical Specialist referenced in Annex 29 of the application. If the Respondent found the Applicant not suitable for this post, the Respondent shall state the reason for such decision. The Respondent is to provide written evidence in support of the Respondent’s response.

6. By **4:00 p.m., Wednesday, 21 August 2019**, the parties are to file a jointly signed statement providing, under separate headings, the following information:

a. A consolidated list of the agreed facts. In chronological order, this list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning;

b. A consolidated list of the disputed facts. In chronological order, the list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning. If any documentary and/or oral evidence is relied upon to support a disputed fact, clear reference is to be made to the appropriate annex in the application or reply, as applicable. At the end of the disputed paragraph in square brackets, the party contesting the disputed fact shall set out the reason(s);

- c. A list of any additional written evidence, which a party requests to produce, or request the opposing party to produce, stating the relevance thereof;
- d. Whether the parties request a hearing for witnesses to provide testimony to support any disputed facts and, if so:
 - i. Provide a list of the witnesses that each party proposes to call; and
 - ii. Provide a brief statement or summary of the disputed fact(s) to be addressed by each witness;
- e. If the parties would be willing to enter into negotiations on resolving the case amicably either through the assistance of the Office of the Ombudsman and Mediation Services or *inter partes*.

(Signed)

Judge Joelle Adda

Dated this 6th day of August 2019