



Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

ACQUATELLA CORRALES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Aleksandra Jurkiewicz, OSLA

Counsel for Respondent:
Susan Maddox, ALD/OHR, UN Secretariat
Matthias Schuster, ALD/OHR, UN Secretariat

Notice: This Order has been corrected in accordance with art. 31 of the Rules of Procedure of the United Nations Dispute Tribunal.

Introduction

1. On 30 June 2017, the Applicant, an Economic Affairs Officer at the P-3 level, Economic Commission for Latin America and the Caribbean (“ECLAC”) filed an application contesting the decision to separate him from service on the grounds of misconduct. The Applicant requests rescission of the finding of misconduct and separation from service, reinstatement, or in the alternative, compensation in the amount of two years net-base salary based on his holding a continuing appointment. The Applicant also requests three months net-base salary for the excessive delays in the disciplinary process, as well as three months net-base salary for procedural defects.

2. On 28 July 2017, the Respondent filed his reply submitting that the application is without merit and should be dismissed.

3. On 1 July 2019, the case was reassigned to the undersigned Judge.

4. On 16 September 2019, pursuant to Order No. 118 (NY/2019), the parties filed a joint submission requesting authorization to submit additional evidence. The Applicant also requested to be heard as witness in the case to provide information on the divorce pronouncement at the relevant time and call Ms. Maria Fatima da Acosta, the Applicant’s lawyer, as a witness, in order to provide testimony regarding legal advice procured to the Applicant in 2009 and whether she notified the Applicant regarding the divorce pronouncement at the relevant time. The Respondent proposed to call Ms. Gisela Rementeria, the Applicant’s former wife, as a witness in order to provide testimony about the divorce proceedings. Neither party had objections to the proposed witnesses of the other party.

5. By way of Order No. 132 (NY/2019) dated 18 September 2019, the Tribunal granted the Applicant's request for a hearing and for production of additional evidence and ordered that the following persons shall testify at the hearing: (i) the Applicant; (ii) Ms. Maria Fatima da Acosta; and (iii) Ms. Gisela Rementeria. The Tribunal further ordered the parties to file a jointly signed statement providing proposed hearing date for a one-day hearing.

6. On 2 October 2019, the parties filed a joint statement confirming the availability of the Applicant and Ms. Fatima Da Acosta for a hearing on 20 November 2019. The Respondent informed the Tribunal that Ms. Rementeria has declined to appear as a witness in the hearing "for personal and family reasons". The parties requested that the hearing commence at 7:00 a.m. in order to accommodate for Counsel for the Applicant who will be appearing from Beirut.

7. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and for a fair disposal of the case,

IT IS ORDERED THAT:

8. The parties attend a hearing at **8:00 a.m. on Wednesday, 20 November 2019** in the courtroom of the Tribunal. In the case that additional time may be needed to complete the hearing, the parties be available to continue the hearing on 8:00 a.m. on Friday, 22 November 2019.

(Signed)

Judge Joelle Adda

Dated this 9th day of October 2019