



Before: Judge Eleanor Donaldson-Honeywell

Registry: New York

Registrar: Nerea Suero Fontecha

ALQUZA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Aleksandra Jurkiewicz, OSLA

Counsel for Respondent:
Melissa Bullen, UN Women

Introduction

1. On 22 January 2018, the Applicant, a former Operations Associate at the GS-7 level, step 7, filed an application in which she contests, “The Administration’s refusal to grant an *ex gratia* payment in lieu of Special Post Allowance”. The case was initially assigned to Judge Nkemdilim Izuako in Nairobi under Case No. UNDT/NBI/2018/009.
2. On 26 February 2018, the Respondent filed his reply in which he submits that the application is without merit.
3. By email of 19 July 2019, the Nairobi Registry informed the parties that Judge Izuako’s term with the United Nations Dispute Tribunal ended on 10 July 2019 and that “to balance the Tribunal’s case load and ensure judicial efficiency” it had been directed to transfer the case the New York Registry with immediate effect.
4. On 15 December 2019, the case was reassigned to the undersigned Judge.

Consideration

5. Under Appeals Tribunal’s consistent jurisprudence, the Dispute Tribunal has “the inherent power to individualize and define the administrative decision challenged by a party and to identify the subject(s) of judicial review” (see *Fasanella* 2017-UNAT-765, para. 20).
6. The Tribunal notes that the principal issues of the present case can be delineated as follows:
 - a. Was it improper for the UN Women to reject the Applicant’s request for an *ex gratia* payment in lieu of Special Post Allowance?

b. If so, what relief ought to be awarded to the Applicant?

7. The Tribunal observes that neither party has requested the production of any further evidence and that they do not appear to disagree on the basic facts. In this regard, the case appears to be fully informed. The Tribunal therefore finds that it is ready for adjudication on the papers on record. Consequently, the parties are to be ordered to file their written closing statements.

8. In light of the above,

IT IS ORDERED THAT:

9. By **4:00 p.m. on Monday, 6 January 2020**, the Applicant is to file her closing statement, which is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing. The closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;

10. By **4:00 p.m. Monday, 13 January 2020**, the Respondent is to file his closing statement responding to the Applicant's closing statement at a maximum length of five pages, using Times New Roman, font 12 and 1.5 line spacing. The closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;

11. By **4:00 p.m. on Friday, 17 January 2019**, the Applicant is to file a statement of any final observations responding to the Respondent's closing statement. This statement of final observations by the Applicant must be a maximum of two pages, using Times New Roman, font 12 and 1.5 line spacing. It must be solely based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage.

12. On receipt of the statements mentioned or at the expiration of the time provided as stipulated herein, the Tribunal will adjudicate on the matter and deliver Judgment based on the papers filed on record.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 16th day of December 2019