



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/011
Order No.: 37 (NY/2020)
Date: 2 March 2020
Original: English

Before: Judge Eleanor Donaldson-Honeywell

Registry: New York

Registrar: Nerea Suero Fontecha

FRAENKEL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Daniel Trup, OSLA

Counsel for Respondent:
Camila Nkwenti, UNEP

1. The Applicant, a staff member of the United Nations Environment Programme (“UNEP”) filed an application contesting “the decision to abolish [the Applicant’s] post and subsequent failure to undertake associated responsibilities such as a comparative review”.
2. The Respondent replied that the application was not receivable because the Applicant had not formally been notified of her separation.
3. The case was initially assigned to Judge Goolam Meeran.
4. At the invitation of the Tribunal, the parties attempted to settle this case amicably, but informed the Tribunal on 21 June 2020 that such attempts had failed.
5. On 11 February 2020, the Respondent informed the Tribunal that the Applicant had been appointed to the position of Executive Secretary, Convention on Migratory Species, UNEP, at the same level of the Applicant’s current contract. The Respondent seeks leave to submit the email dated 10 February 2020 showing the appointment of the Applicant to the said position and to find that he has fulfilled his obligations to find an alternative position for the Applicant under staff rule 9.6(a).

Following the expiration of Judge Meeran’s term with the Dispute Tribunal, the case was assigned to the undersigned Judge on 2 March 2020.

6. For a fair determination of this case, the Tribunal admits into evidence the email showing the Applicant’s new appointment dated 10 February 2020. The Tribunal will further seek the Applicant’s observations on the Respondent’s 11 February 2020 submission.

IT IS ORDERED THAT:

7. By **4:00 p.m. on Monday, 9 March 2020**, the Applicant shall file her observations to the Respondent's 11 February 2020 submission. Thereafter, unless otherwise settled, the Tribunal will determine this case on the papers before it.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 2nd day of March 2020