



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

KOLLIE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

A. Ndubuisi Nwabudike

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 6 February 2020, by Order No. 23 (NY/2020), the Tribunal informed the parties that a one-day hearing will be held to hear the testimony of the Applicant, a medical doctor of the Medical Services Division (“MSD”), and personnel from the Advisory Board on Compensation Claims (“ABCC”) between 5 and 6 March 2020 or between 24 and 27 March 2020.

2. Pursuant to Order No. 23 (NY/2020), the Respondent made a submission on 14 February 2020, and the Applicant further made a submission in response on 27 February 2020.

Consideration

3. Having consulted with the parties through the Registry, the Tribunal decides to schedule a one-day hearing on Friday, 27 March 2020.

4. In the submission dated 14 February 2020, the Respondent confirmed that Dr. Mike Rowell, Senior Medical Officer, MSD, and Mr. Demetri Gounaris, Secretary of the ABCC, are available to testify at a hearing in person.

5. In the same submission, the Respondent requested leave to submit the correspondence between MSD and ABCC regarding the Applicant’s claim under Appendix D, email exchanges regarding the Applicant’s request for daily subsistence allowance (“DSA”) payment relating to his medical evacuation, and payment record showing three payments made to the Applicant for his medical evacuation.

6. In response, the Applicant submitted his comments as well as his own additional documents on 27 February 2020 and raised and/or clarified the issues in this case.

7. First, the Applicant submits that the correspondence dated 18 January 2017, in which MSD advised ABCC that the Applicant’s injury does not constitute total or

partial disability, was never disclosed to him at any time during the history of this matter before 14 February 2020 and submits several documents to support his claim that he was unable to continue to function in his normal capacity due to injury.

8. Second, the Applicant submits that the Respondent erroneously used the 2007 United Nations pensionable remuneration scale of P-4 to calculate his compensation, instead of the 2017 remuneration scale, the year in which his injury was finally assessed and determined, and this had the effect of further diminishing his compensation.

9. Lastly, the Applicant submits that the payment of DSA related to his medical evacuation is not in dispute and submitted email exchanges to show the out of pocket expenses that are in dispute.

10. Regarding the witnesses, the Applicant objects to Dr. Rowell, arguing that the doctor is biased against him.

11. Having considered the parties' latest submissions, the Tribunal allows the submission of additional documents by the parties.

12. While noting the Applicant's objection to Dr. Rowell, the Tribunal accepts Dr. Rowell and Mr. Gounaris as witnesses as they were directly involved in the handling of the Applicant's claim under Appendix D.

13. Since the parties' latest submissions raise and/or clarify the issues in this case, namely, whether the Applicant's injury constitutes partial or total disability, whether the correct remuneration scale was used in the calculation of his compensation, and whether legitimate out of pocket expenses were paid by the Organization, the Tribunal finds it necessary for the Respondent to respond to the Applicant's submission and submit any available and relevant documentation, if not already submitted to the Tribunal, prior to the hearing.

IT IS ORDERED THAT:

14. The parties shall attend a one-day hearing on **27 March 2020 at 9:00 a.m. New York time**. All logistical arrangements will be coordinated by the New York Registry.

15. The submission of the additional documentary evidence filed by both parties on 14 and 27 February 2020, respectively, is allowed.

16. By **4:00 p.m. on Friday, 13 March 2020**, the Respondent shall respond to the Applicant's submission of 27 February 2020 and submit supporting documentation, if not already submitted to the Tribunal.

17. In the event that either party intends to refer to any document during the hearing, that party shall submit, by **4:00 p.m. on Friday, 20 March 2020**, a paginated bundle of these documents.

(Signed)

Judge Joelle Adda

Dated this 9th day of March 2020