



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/070

Order No.: 62 (NY/2020)

Date: 3 April 2020

Original: English

**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

COCA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Robbie Leighton, OSLA

**Counsel for Respondent:**  
Jérôme Blanchard, UNOG

## **Introduction**

1. On 19 July 2018, the Applicant a former Programme Management Officer, United Nations Conference on Trade and Development (“UNCTAD”), filed an application contesting the calculation of her sick leave entitlements and the related decision to terminate her appointment for medical reasons. The case was filed with the Geneva Registry and assigned to Judge Teresa Bravo.

2. On 20 August 2018, the Respondent filed his reply in which he submits that the contested decision was lawful. The Respondent further submits that the Administration properly calculated the Applicant’s sick leave entitlements and that the procedure to terminate her appointment for health reasons was properly followed.

3. On 16 November 2018, the case was transferred to the New York Registry, and on 20 March 2020, it was assigned to the undersigned Judge.

## **Consideration**

4. Having reviewed the parties’ submissions, the Tribunal considers it appropriate and in the interest of justice to direct the parties to file further submissions.

5. The Tribunal also invites both parties to consider resolving the matter amicably. In the Tribunal’s view, the matters raised in this case may be resolved amicably, without a protracted litigation process. Since the inception of the current system of internal justice, the General Assembly have consistently encouraged that work-related grievances be resolved informally because such outcome saves the parties, as well as

the Organization, valuable time and resources and inspires a more harmonious working environment.

6. In light of the above,

7. IT IS ORDERED THAT:

8. By **4:00 p.m. on Monday, 13 April 2020**, the Respondent is to file a further submission addressing the fact that the Applicant's Personnel Action Forms dated 31 January 2016 and 1 February 2016 separating her from a temporary appointment and appointing her to a fixed-term appointment were processed as stating "special separation w/o break". The Respondent should address how he can reconcile this evidence with the Respondent's submission that the Applicant's service was not considered continuous between these two appointments. The Respondent is also ordered to submit a copy of the Applicant's letter of appointment to the fixed-term position.

9. By **4:00 p.m. on Friday, 17 April 2020**, the Applicant is to file a response to the Respondent reply and the Applicant's further submission.

10. By **4:00 p.m. on Wednesday, 22 April 2020**, the parties shall file a joint submission stating whether they agree to attempt informal resolution.

11. Thereafter, the Tribunal will give further directions as it deems appropriate.

*(Signed)*

Judge Joelle Adda

Dated this 3<sup>rd</sup> day of April 2020