



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/063  
UNDT/NY/2018/064  
Order No.: 67 (NY/2020)  
Date: 15 April 2020  
Original: English

---

**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

HAMMOND

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**

**ON CASE MANAGEMENT**

---

**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Nicole Wynn, ALD/OHR, UN Secretariat  
Rosangela Adamo, ALD/OHR, UN Secretariat

## Introduction

1. This order relates to two related applications filed by the Applicant, a P-4 Administrative Management Officer serving with the African Union-United Nations Mission in Darfur (“UNAMID”). The applications relate to the Applicant’s challenge of his “2016/2017 performance appraisal rating and narrative”. The cases were filed with the Nairobi Registry. On 16 November 2018, the cases were transferred to the New York Registry and registered under Case No. UNDT/NY/2018/063 and Case No. UNDT/NY/2018/064.

2. On 7 May 2018, the Respondent filed his reply to Case No. UNDT/NY/2018/063 submitting that, *inter alia*, the application is not receivable *ratione materiae* as performance appraisal rating and narrative are not a contestable administrative decision within the meaning of art. 2(1)(a) of the Dispute Tribunal’s Statute and no administrative decision was taken on the basis of any final rating resulting from the performance appraisal.

3. On 4 June 2018, the Respondent filed his reply to Case No. UNDT/NY/2018/054 reiterating that the Applicant’s performance appraisal rating and narrative do not constitute a reviewable administrative decision and therefore the Applicant’s claim is not receivable. The Respondent contended that the Applicant’s further challenges to the outcome of his request for management evaluation and to the General Assembly’s decision to convert the post that he previously encumbered from a P-4 to an FS-6 are not receivable *ratione materiae*. The Respondent further submitted that should the Tribunal find that the Applicant’s claims are receivable, the Administration’s actions were lawful.

4. On 1 April 2020, the case was assigned to the undersigned Judge.

### **Consideration**

5. The Tribunal notes that both applications relate to the Applicant's challenge of his "2016/2017 performance appraisal rating and narrative". Given the applications in Case No. UNDT/NY/2018/063 and Case No. UNDT/NY/2018/064 relate to the same underlying claim, the Tribunal considers that it would be in the interests of justice and judicial economy to consolidate these cases through an order for combined proceedings.

6. Having reviewed the parties' submissions, the Tribunal considers that the matter may be decided on the papers before it once the parties have filed their closing submissions.

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. Case No. UNDT/NY/2018/063 and Case No. UNDT/NY/2018/064 are consolidated.

9. By **4:00 p.m., on Friday, 24 April 2020**, the Applicant is to file his closing statement, which should include a response to the contentions raised in the Respondent's replies on receivability and the merits. In his submission, the Applicant is also to confirm his current employment status.

10. By **4:00 p.m., on Friday, 1 May 2020**, the Respondent is to file his closing statement.

11. By **4:00 p.m., on Wednesday, 6 May 2020**, Applicant may file a final submission responding to the Respondent's closing statement.

12. Each party's closing statements are to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing. The closing statements are solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage.

13. The Tribunal will then proceed to decide the case on the papers before it.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 15<sup>th</sup> day of April 2020