



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

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Katya Melliush, OSLA

**Counsel for Respondent:**  
Nicole Wynn, ALD/OHR, UN Secretariat  
Nusrat Chagtai, ALD/OHR, UN Secretariat

## **Introduction**

1. On 22 June 2020, the Tribunal issued Judgment No. UNDT/2020/094 in this case.

2. On the same day, Counsel for the Applicant alerted the Registrar orally of an error in the Judgment. The undersigned Judge was immediately informed.

3. On 24 June 2020, the Tribunal assessed the error and issued the corrected Judgment No. UNDT/2020/094/Corr.1.

4. On the same day, 24 June 2020, Counsel for the Applicant wrote to the Registrar stating, in essence, that the corrigendum had resulted in a change in the disposal of the judgment which had rendered it “extremely irregular”. She stated that the original judgment “determined that remand of the complaint for additional [fact-finding] was necessary as the contested administrative decision was unlawful, however that, as the Medical Officer was no longer an employee of the Organization, this was not possible”. She submitted that as a result of the corrigendum, the remand of the complaint for additional factfinding had been deleted from the judgment and replaced with an entirely new disposition.

5. The “disposition” in question, not contained in the Judgment but added on to the Corrigendum due to the above factual change, reads as follows:

50. Having found that the procedural errors in the decision-making process rendered the contested decision irrational, the Tribunal deems it appropriate to remand the decision to the IRMCT. The IRMCT shall review, in consultation with the Division of Healthcare Management and Occupational Safety and Health (“DHMOSH”), whether additional supervisory or other measures are required for the Medical Officer.

59b. The contested decision is rescinded and remanded to the IRMCT. The IRMCT shall review, in consultation with DHMOSH, whether additional supervisory or other measures are required for the Medical Officer;

6. Counsel for the Applicant requested the Registrar's assistance to amend this "irregular revision to correct the factual error and to not alter the finding of the judgment as rendered". Counsel's email was immediately transmitted to the undersigned Judge.

### **Consideration**

7. The Tribunal finds that it was within its remit to correct *proprio motu* the error in the Judgment as per art. 31 of the Tribunal's Rules of Procedure, which provides that "errors arising from any accidental slip or omission ... may at any time be corrected by the Dispute Tribunal ... on its own initiative", and adjust the disposition accordingly. The Tribunal does not deem that additional changes are required. If the relevant requirements are met, the parties have the option to appeal any alleged errors in the Judgment under art. 2 of the Statute of the Appeals Tribunal.

8. As the request for amendment of the Judgment is rejected, there is no need to seek the Respondent's views on this point.

9. In light thereof;

IT IS ORDERED THAT:

10. Counsel for the Applicant's request for amendment of the Judgment is dismissed.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 29<sup>th</sup> day of June 2020