



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/011
Order No.: 13 (NY/2021)
Date: 18 February 2021
Original: English

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

HILZINGER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Dorota Banaszewska, OSLA

Counsel for Respondent:
Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 11 March 2020, the Applicant filed the application in which he contests the “decision not to select him for the appointment of P-5 Senior Information Systems Officer within the United Nations Joint Staff Pension Fund (Job Opening 109389)”.
2. On 9 April 2020, the Respondent filed the reply in which he contends that the application is without merit.
3. On 11 February 2021, the Applicant filed some “Submissions on Compensation and [a] Request for Leave to Present Closing Submissions”. In essence, the Applicant seeks leave to (a) “submit pleadings on compensation *in lieu* of rescission”, (b) “amend his pleadings relating to remedy in order to request compensation for loss of opportunity pursuant to Article 10.5(b) of [the Dispute Tribunal’s Statute]”, and (c) “be permitted to present his final submissions, in particular with respect to the Respondent’s pleadings in its Response of 9 April 2020, before issuing a judgment in the present case”.

Consideration

4. The Tribunal notes that the Respondent has not filed any objections to the Applicant’s request within the five-day time limit set out in art. 6 of the Dispute Tribunal’s Practice Direction No. 5, and sees no prejudice to the Respondent in allowing the Applicant’s requests at this stage of the proceedings. As neither party has requested any further evidence to be produced, and since the case file is fully informed, the present case is ready for closing statements.

5. In light of the above,

IT IS ORDERED THAT:

6. The Applicant’s requests set out in his submission dated 11 February 2021 are granted;

7. By **4:00 p.m. on Friday, 26 February 2021**, the Applicant is to file his closing statement, which is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing. The closing statement is solely to be based on previously filed pleadings (including those set out in the Applicant's 11 February 2021 submission) and evidence, and no new pleadings or evidence are allowed at this stage;

8. By **4:00 p.m. on Friday, 5 March 2021**, the Respondent is to file his closing statement responding to the Applicant's closing statement at a maximum length of five pages, using Times New Roman, font 12 and 1.5 line spacing. Aside from responding to the Applicant's submissions pertaining to his 11 February 2021 submission, the closing statement is solely to be based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage;

9. By **4:00 p.m. on Wednesday, 10 March 2021**, the Applicant may file a statement of any final observations responding to the Respondent's closing statement. This statement of final observations by the Applicant must be a maximum of two pages, using Times New Roman, font 12 and 1.5 line spacing. It must be solely based on previously filed pleadings and evidence, and no new pleadings or evidence are allowed at this stage.

10. Unless otherwise ordered, on receipt of the latest of the aforementioned statements or at the expiration of the provided time limits, the Tribunal will adjudicate on the matter and deliver Judgment based on the papers filed on record.

(Signed)

Judge Joelle Adda

Dated this 18th day of February 2021