



Before: Duty Judge
Registry: New York
Registrar: Nerea Suero Fontecha

ARVIZU TREVINO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Clémentine Foizel, AAS/ALD/OHR, UN Secretariat

Notice: This order has been corrected.

Introduction

1. On 8 September 2021, the Applicant, a former Chief Executive Officer of the United Nations Joint Staff Pension Fund, filed an application in which he contests the acting United Nations Medical Doctor's decision to deny the Applicant's request to establish a medical board.
2. On the same date (8 September 2021), the New York Registry of the Dispute Tribunal acknowledged receipt of the application and served it on the Respondent with a deadline to file the reply on 8 October 2021.
3. On 16 September 2021, the Respondent filed a motion to determine receivability as a preliminary matter by which he also requested the deadline for filing the reply to be suspended.

Consideration

4. The Tribunal notes that in the Respondent's 16 September 2021 motion, he challenges the receivability of the application in two points, namely:
 - a. *Lis pendens*—the Applicant has “already challenged the outcome of his request for compensation under Appendix D in Case No. UNDT/NY/2020/042 and in Case No. UNDT/NY/2021/026 ... and raises the same arguments and requests the same relief”;
 - b. *Ratione materiae*—the letter from the United Nations Medical Director is “not an administrative decision”, but rather “a preparatory step and may only be challenged in the context of an appeal against a final administrative decision”.
5. In this regard, it is confirmed that the Applicant indeed has two other cases pending before the Dispute Tribunal (Case No. UNDT/NY/2020/042 and Case No. UNDT/NY/2021/026).

6. In accordance with art. 19 of the Dispute Tribunal's Rules of Procedure, for the fair and expeditious disposal of the case and to do justice to the parties, the Tribunal finds that it would only be appropriate to determine the issue of receivability as a preliminary matter in this case.

7. The Respondent's motion is therefore granted. The Tribunal will further allow the Applicant to present his submissions in response to the Respondent's contentions on non-receivability.

8. No further case management steps will thereafter be taken before the case is assigned to a Judge of the Dispute Tribunal, who may then decide to determine the issue of receivability on the papers on record before it without any further orders or communications.

IT IS ORDERED THAT:

9. The Respondent's 16 September 2021 motion is granted. The issue of receivability is to be determined as a preliminary matter once the case is assigned to a Judge of the Dispute Tribunal for adjudication,

10. The deadline for submitting the reply is suspended until further notice;

11. By **4:00 p.m. on Monday, 4 October 2021**, the Applicant may file observations in response to the Respondent's contentions of non-receivability. The submissions shall not exceed be five pages, using Times New Roman, font 12 and 1.5 line spacing;

12. Any further instructions on case management will be issued by the Judge eventually assigned to this case.

(Signed)

Judge Joelle Adda (Duty Judge)

Dated this 20th day of September 2021