



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

CHERNOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Omar Yousef Shehabi, OSLA

Counsel for Respondent:

Yehuda Goor, ALD/OHR, UN Secretariat

Introduction

1. On 27 January 2022, by Order No. 13 (NY/2022), the Tribunal instructed the Applicant to respond to the Respondent's reply.
2. On 28 January 2022, the Applicant filed a motion for consolidation of Case No. UNDT/NY/2021/023 with Case No. UNDT/NY/2021/062, which is awaiting judicial assignment.
3. On 1 February 2022, the Respondent filed a response opposing the Applicant's motion for consolidation.

Factual background

4. On 3 February 2021, the Applicant requested management evaluation of a 21 December 2020 decision to prorate the boarding assistance that the Applicant received for his child for the 2019-2020 school year.
5. On 4 March 2021, in response to the Applicant's request for management evaluation, the Administration notified the Applicant that he was in fact not entitled to any boarding assistance at all.
6. On 1 June 2021, the Applicant filed an application before the Dispute Tribunal concerning the "decision to prorate the boarding assistance for [the] Applicant's dependent child, [name redacted], for the 2019-2020 school year" (Case No. UNDT/NY/2021/023) ("the first case").
7. On 14 June 2021, referring to the 4 March 2021 management evaluation, the Administration notified the Applicant that it would implement the recommendation of the Management Evaluation Unit and thereby recover the prorated amount of boarding assistance paid to him.

8. On 7 December 2021, the Applicant filed an application to contest the “decision to recover lump sum boarding allowance paid to [the] Applicant pursuant to ST/AI/2018/1/Rev.1” (Case No. UNDT/NY/2021/062) (“the second case”).

Consideration

9. In the motion dated 28 January 2022, the Applicant argues that the separate adjudication of the two cases would not serve the interest of justice and judicial economy.

10. The Respondent opposes the Applicant’s motion arguing that the two cases concern the same legal issue, namely whether the Applicant is entitled to boarding assistance, and disposition of the first case will inevitably resolve and moot the second case. He argues that, therefore, the two cases should not be consolidated, and the second case should be dismissed as not receivable.

11. Having reviewed the case file and the parties’ respective submissions, the Tribunal finds that the consolidation of two cases is not necessary for the adjudication of the first case, which is currently assigned to the undersigned Judge, as it can be decided without further submissions concerning the second case.

12. Accordingly, the Tribunal will proceed to adjudicate the first case based on the papers before it. The deadline set in Order No. 13 (NY/2022) shall be modified and the Applicant will be given an additional week to file his statement responding to the Respondent’s reply.

IT IS ORDERED THAT:

13. The Applicant’s motion of 28 January 2022 is rejected;

14. By **4:00 p.m. on Monday, 21 February 2022**, the Applicant shall file his statement responding to the Respondent’s reply, which is solely to be based on the submissions and evidence on record. The statement shall not exceed five pages, using Times New Roman, font 12 and 1.5 line spacing.

15. Thereafter, the Tribunal will decide the case based on the papers before it.

(Signed)

Judge Joelle Adda

Dated this 3rd day of February 2022