



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

GARAY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Matthias Schuster, UNICEF
Alister Cumming, UNICEF

Introduction

1. On 10 February 2022, the Applicant filed an application in which she contests; (1) the decision to place a note on Applicant's official status file which states that "[i]f [she] were to rejoin UNICEF [United Nations Children's Fund] as a staff member, a disciplinary process would be initiated"; and (2) the decision not to make a conclusive determination of misconduct following the conclusion of a prohibited conduct investigation.

2. On 18 February 2022, the Respondent filed a motion to have receivability be determined as a preliminary issue. The Respondent also requests that the Tribunal suspend the deadline for the filing of the Respondent's reply, pending the Tribunal's determination of this motion.

3. On 18 February 2022, the Dispute Tribunal Registry informed the parties that in the absence of the undersigned judge, Judge Bravo, as Duty Judge, has decided to suspend the deadline for the submission of the reply until Judge Adda has ruled on the Respondent's preliminary motion.

Consideration

4. The Tribunal notes that the Respondent claims that the application is not receivable *rationae materiae* as the Applicant does not contest an administrative decision.

5. As a matter of judicial economy, the Tribunal will decide on the issue of receivability as a preliminary issue on the papers before it. Before making any final determination, the Tribunal will allow the Applicant to file a submission in response to the Respondent's motion on receivability.

IT IS ORDERED THAT:

6. The deadline for the Respondent's reply is suspended until further notice from the Tribunal.

7. By **4:00 p.m. on Monday, 28 March 2022**, the Applicant is to file a response to the Respondent's submissions on receivability at a maximum of five pages, using Times New Roman, font 12 and 1.5 line spacing.

8. Unless otherwise ordered, the Tribunal will then adjudicate on the matter of receivability and deliver Judgment based on the papers filed on record.

(Signed)

Judge Joelle Adda

Dated this 4th day of March 2022