UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/017
Order No.: 026 (NY/2023)
Date: 31 March 2023
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Isaac Endeley

LAGO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Elizabeth Gall, BMS/OLS, UNDP

Introduction

1. By application filed on 4 April 2022, the Applicant, a former staff member of the United Nations Development Programme ("UNDP"), contests the "implicit and continued denial" of UNDP to conduct an occupational health evaluation of personnel in Panama and to assess the impact of their exposure to specific toxic contaminants in the workplace. The Applicant requests the Tribunal, *inter alia,* to declare that UNDP has exposed him to toxic contaminants in the workplace and has failed in its duty of care towards him. The Applicant also requests "moral damages" to compensate him for the "high personal cost" he has incurred.

2. On 5 May 2022, the Respondent filed a reply urging the Tribunal to dismiss the application as not receivable *ratione materiae* and *ratione personae*. The Respondent submits that the Applicant does not identify an implied administrative decision for the Tribunal to review and that the Applicant is acting on behalf of other staff members of the Panama Regional Hub and not in his individual capacity as a former staff member. In the alternative, the Respondent requests the Tribunal to identify the contested administrative decision and to grant him leave to file submissions on the merits.

Considerations

3. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

4. Having taken into consideration the pleadings of the parties, the Tribunal has concluded that the Applicant should be given an opportunity to respond to the Respondent's arguments on the receivability of the application.

IT IS ORDERED THAT:

5. **By 3:00 p.m. on Friday, 14 April 2023**, the Applicant shall file a rejoinder to the Respondent's reply addressing the issue of receivability of the application.

(Signed)

Judge Alexander W. Hunter, Jr.
Dated this 31st day of March 2023