



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/053

Order No.: 049 (NY/2023)

Date: 5 July 2023

Original: English

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**Before:** Duty Judge

**Registry:** New York

**Registrar:** Isaac Endeley

ADUNDO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Jenny Kim, AS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 31 October 2022, the Applicant, a Security Officer at the S-2 level in the Department of Safety and Security based in New York, filed an application in which he contests the decision “for the administration to place [him] on a half sick [leave] plus a half annual [leave] in order to remain at full pay until [his] entitlement to sick leave at full pay is revived, effective July /18/2022”.

2. On 1 December 2022, the Respondent filed a reply submitting that the application is not receivable and, in any event, has no merit.

3. On 19 December 2022, the Applicant filed a submission in which he redefines the contested decision as being “[t]he decision to place [him] at a half pay combined with half annual leave until [his] entitlement to sick leave at full pay is revived”.

## **Consideration**

4. The General Assembly has repeatedly reaffirmed that the informal resolution of conflict is a crucial element of the system of administration of justice. Having considered the issues arising in this case, the Tribunal is of the view that the case may be amenable to informal and amicable resolution. The Tribunal therefore considers it appropriate to provide the parties with an opportunity to resolve the case informally.

5. Accordingly, the parties are encouraged to attempt informal resolution of the disputes arising in the case through the United Nations Ombudsman and Mediation Services or via *inter partes* discussions. Should the parties decide to attempt informal resolution of the matter, they shall promptly inform the Tribunal thereof and seek suspension of the proceedings.

6. If the parties do not agree to enter into informal negotiations, the Tribunal will instruct the Applicant to respond to the Respondent’s reply, in particular his contentions regarding the receivability of the application. Unless otherwise ordered, the Tribunal will thereafter adjudicate on the issue of receivability as a preliminary matter based on the papers on record.

7. Pursuant to art. 19 of the Dispute Tribunal's Rules of Procedure and for a fair disposal of the case,

**IT IS ORDERED THAT:**

8. The Applicant and Counsel for the Respondent are to confer with a view to resolving the matters in this case informally.

9. By **4:00 p.m. on Wednesday, 26 July 2023**, the parties are to file a jointly-signed statement informing the Tribunal whether they agree to attempt informal resolution. If so, they may request a suspension of the proceedings.

10. If the parties do not agree to attempt informal resolution, by **4:00 p.m. on Wednesday, 9 August 2023**, the Applicant shall file a rejoinder to the Respondent's reply, in particular with regard to the receivability of the application. Unless otherwise ordered, the Tribunal will thereafter adjudicate on the receivability based on the papers on record.

*(Signed)*

Judge Joelle Adda

Dated this 5<sup>th</sup> day of July 2023

Entered in the Register on this 5<sup>th</sup> day of July 2023

*(Signed)*

Isaac Endeley, Registrar, New York