



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NY/2022/057
UNDT/NY/2022/058
Order No.: 105 (NY/2023)
Date: 17 October 2023
Original: English

Before: Judge Rachel Sophie Sikwese

Registry: New York

Registrar: Isaac Endeley

SCHIFFERLING

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

Cristian Gimenez Corte

Counsel for Respondent:

Kong Leong Toh, UNOPS

Casey Morin, UNOPS

Introduction

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1. On 25 November 2022, the Applicant, a former staff member in the United Nations Office for Project Services based in New York, filed an application in which he contests the “abolishment [of his post], [his] separation [from service], and [the] non-renewal [of his appointment]”.

2. On 27 December 2022, the Respondent filed a reply, submitting that the application has no merit. The reply was 18 pages.

3. By Order No. 054 dated 12 July 2023, the Duty Judge ordered the parties to file a jointly-signed statement setting out consolidated lists of agreed and disputed facts. The Duty Judge further noted that the 18-page reply exceeded the page limit stipulated in art. 19 of Practice Direction No. 4 (filing of application and replies), and albeit the Respondent provided an explanation therefor, he had failed to explicitly request leave to do so.

4. On 15 August 2023, the parties filed the jointly-signed statement as per Order No. 054.

5. By Order. No. 093 (NY/2023) dated 2 October 2023, the Tribunal ordered the Respondent to resubmit the reply in compliance with the 10-page limit in accordance with art. 19 of Practice Direction No. 4.

6. On 9 October 2023, the Respondent refiled the reply as per Order No. 093 (NY/2023).

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7. On 15 December 2022, the Applicant, a former staff member in the United Nations Office for Project Services based in New York, filed an application in which he contests the “decision to charge the Applicant with misconduct”.

8. On 16 January 2023, the Respondent filed a reply submitting that the application is not receivable and, in any event, has no merit.

9. By Order No. 053 dated 11 July 2023, the Duty Judge ordered the Applicant to (a) file a rejoinder to the reply, in particular responding to the Respondent's submissions regarding the receivability of the application, and (b) indicate whether he wished to adduce any further evidence, and if so, indicate the relevant additional documentation to be disclosed and/or the identity of any possible witness(es).

10. On 15 August 2023, the Applicant filed his submission as per Order No. 053 (NY/2023).

11. On 18 September 2023, the Respondent filed a motion for summary judgment, requesting the Tribunal to reject the application as not receivable.

Consideration

12. In view of the submissions by the parties, the Tribunal has decided to hold a case management discussion ("CMD"). The purpose of the CMD shall be to identify, discuss and agree on the claims and issues in the Applicant's two cases before the Tribunal and generally to deal with any other matter which may facilitate a fair and expeditious disposal of the cases and to do justice to the parties. Due to the inter-relationship between the two cases, the Tribunal has decided to hold the CMD for both cases at the same time for judicial economy purposes only but underscores that the cases are not thereby consolidated.

13. The Rules of Procedure of the United Nations Dispute Tribunal (Dispute Tribunal) in art. 19, provide that the Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties. In furtherance of this provision and in consultation with the parties,

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IT IS ORDERED THAT:

14. A CMD shall take place on **Thursday, 26 October 2023 at 10:00 a.m New York City time** via Microsoft Teams.

15. The parties or their duly designated representatives shall attend the CMD. The Registry will provide a link to access the meeting.

(Signed)

Judge Rachel Sophie Sikwese
Dated this 17th day of October 2023

Entered in the Register on this 17th day of October 2023

(Signed)

Isaac Endeley, Registrar, New York