



Before: Judge Rachel Sophie Sikwese

Registry: New York

Registrar: Isaac Endeley

KIRBY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR, UN Secretariat

Introduction

1. By application dated 23 November 2022, the Applicant, now a Senior Reviser at the P-5 level in the English Verbatim Section, Meetings and Publishing Division, Department for General Assembly and Conference Management (“DGACM”), based in New York, contests the 31 May 2022 decision not to select her for the position of a Senior Reviser/Project Manager, at the P-5 level, in the English Translation and Editorial Service of the Documentation Division, DGACM (Job Opening ID: 170846) (the “Position”).

2. On 27 December 2022, the Respondent filed a reply submitting that the application has no merit as the Applicant received full and fair consideration for the Position.

3. The Tribunal held a case management discussion (“CMD”) on 24 October 2023.

At the CMD, the parties agreed that the legal issue arising for consideration in this case is whether the Applicant’s candidacy for promotion was given a full and fair consideration? The parties further agreed that the factual issue in dispute is whether the decision not to promote the Applicant was marred by improper motive in the form of bias based on her Staff Union representation. The parties agreed that it was not necessary to hold an oral hearing.

IT IS ORDERED THAT:

4. Pursuant to arts. 16.1 and 19 of the UNDT Rules of Procedure, providing for oral hearings and case management respectively, the application shall be decided on the papers only as an oral hearing is not necessary for a fair and expeditious disposal of the case.

5. The Applicant shall file further documentation including her performance evaluation “for the period in question” and any other documentation that may facilitate a fair disposition of the application by **4:00 p.m. on Wednesday, 25 October 2023**.

6. The Respondent shall file his closing statement including a rejoinder on any documentation filed by the Applicant after this CMD by **4:00 p.m. on Wednesday, 1 November 2023**. The submission shall not exceed seven pages, using font Times New Roman, font size 12 and 1.5 line spacing.

7. The Applicant shall file her closing statement by **4:00 p.m. on Wednesday, 8 November 2023**. The submission shall not exceed five pages, using font Times New Roman, font size 12 and 1.5 line spacing.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 24th day of October 2023

Entered in the Register on this 24th day of October 2023

(Signed)

Isaac Endeley, Registrar, New York