



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NY/2023/027
Order No.:	074 (NY/2024)
Date:	27 June 2024
Original:	English

Before: Judge Margaret Tibulya

Registry: New York

Registrar: Isaac Endeley

CALDIN AND LANGELAAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Tamal Mandal, AS/ALD/OHR, UN Secretariat

Introduction

1. By application dated 14 August 2023, the Applicants, Mr. Caldin, a Reviser, at the P-4 level, with the Department for General Assembly and Conference Management (“DGACM”), and Mr. Langelaar, a Corrections Officer, at the P-5 level, with the United Nations Assistance Mission in Somalia (“UNSOM”), contest DGACM’s 23 March 2023 decision and UNSOM’s 12 March 2023 decision to reject each of their requests to be granted 16 weeks of parental leave under the Organization’s new parental leave framework, ST/AI/2023/2 (“Parental leave and family leave”).

2. On 14 September 2023, the Respondent filed a reply submitting that the application has no merit. The Respondent further submitted that the application was not receivable in part.

3. On 5 January 2024, the Applicants filed a rejoinder to the Respondent’s reply.

4. On 1 April 2024, the case was assigned to the undersigned Judge.

5. On 3 April 2024, a case management discussion (“CMD”) was held remotely via MS Teams to discuss the case. Both Counsel confirmed that it was necessary for the Tribunal to determine the issue of receivability in this case.

6. Pursuant to Order No. 043 (NY/2024) dated 8 April 2024, the parties filed their closing statements on the issue of receivability.

Consideration

7. In the Respondent’s closing submissions on receivability dated 18 April 2024, he informed the Tribunal in a footnote that he does not challenge the receivability of the Applicants’ substantive claims in relation to DGACM’s 23 March 2023 decision and UNSOM’s 12 March 2023 decision to reject each of their requests to be granted 16 weeks of parental leave under the Organization’s new

parental leave framework ST/AI/2023/2. The Respondent submits that these claims can be reviewed on their merits.

8. The Respondent maintains that he challenges the receivability of parts of the application on two limited grounds: (a) aspects of the application relating to the implementation date of ST/AI/2023/2, which, however, the Applicant clarified he does not challenge; and (b) the denial of Applicant Langelaar's request for special leave with full pay.

9. Upon review of the papers, the Tribunal noted the limited nature of the receivability issues at bar, and determined that it will proceed to adjudicate the case on the merits. It will, however, address the parties' submissions on receivability in its final judgment. The Tribunal reminds the parties to make their substantive submissions within the main text of their closing statements and not as footnotes.

10. In light of the above,

IT IS ORDERED THAT:

11. By **4:00 p.m. on Wednesday, 10 July 2024**, the parties are to file their respective closing statements on the merits of the case at a maximum length of seven pages, using font Times New Roman, font size 12 and 1.5 line spacing.

(Signed)

Judge Margaret Tibulya

Dated this 27th day of June 2024

Entered in the Register on this 27th day of June 2024

(Signed)

Isaac Endeley, Registrar, New