







10. On 8 February 2018 (incorrectly dated 12 February 2018), the Applicant responded to Order No. 28 (NY/2018) by providing additional background information and making the following offer of proof as to the relevancy of Ms. Paola timony:

Proposed Testimony of Ms Paola Serrano The Applicant submits that the proposed testimony of Ms Serrano is relevant for the proceedings. Ms Serrano attended various meetings/working groups with the Applicant from June 2016 to December 2016 (the period of the Performance Improvement Plan). The meetings/working groups were related to the Middle East region and states that fell under the responsibility of the Applicant. Ms. Serrano would provide co knowledge of the region that fell under her responsibility.

11. By Order No. 32 (NY/2018) dated 9 February 2018, the Tribunal rejected the *inter alia*, that

The additional documents which were attached to the Tribunal.

This Tribunal is firmly of the opinion that the testimony of Ms. Serrano is not relevant in this case since she is a person external to the DPA where the Applicant served and was not considered during the subject United Nations PIP.

Similarly, considering the documentation on record, including the documents provided by the Respondent on 7 February 2018, the Tribunal does not find it necessary for the Applicant, Mr. Miroslav -General for Political Affairs, or Mr. Jeffrey Feltman, the Under-Secretary-General for Political Affairs, to provide oral evidence.

As such, there being no material issues of fact that would require an evidentiary hearing, this Tribunal will decide this case on the papers that have been submitted.

12. On 9 February 2018, by motion for reconsideration of Order No. 32 (NY/2018), the Applicant submits that:

1. On 9 February 2018, the Tribunal, in order no. 32 (NY/2018),

Applicant respectfully requests the Tribunal to reconsider this denial, for the reasons set forth below.

2. First, Ms. Caruso has had a legitimate expectation that a trial will be heard in this matter following order no. 28 dated 5 February 2018, in which the Tribunal directed the parties to seek back to back dates for a hearing on the merits. Ms. Caruso submits that to now deny her, at this late stage, the opportunity for a hearing would prevent her from fully challenging the evidence given by the Respondent.

3. Second, Ms. Caruso seeks to challenge the veracity of the evidence in relation to the meetings that took place during the period of the Performance Improvement Plan (PIP). Ms. Caruso challenges

