



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/101

Order No.: 25 (NY/2021)

Date: 18 March 2021

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Robbie Leighton, OSLA

Counsel for Respondent:
Alan Gutman, ALD/OHR, UN Secretariat

leave that the Applicant took during the relevant time period was a result of the contested administrative decision;

b. If the application is not moot, was the contested decision a lawful exercise of the Administration's discretion? This review will entail an assessment of whether the reason(s) provided for rejecting to implement the return-to-work plan were lawful and correct.

c. If not, to what remedies is the Applicant entitled?

Case management

6. In the joint motion dated 12 March 2021, the Applicant requested the following additional evidence to be produced (para. 67-70):

a. “[A]dditional medical evidence to demonstrate that infections diagnosed on 19 and 20 May [2019] resulted from the contested decision”;

b. “[E]mails from two P-4 interpreters in the English booth which address the question of whether her return to work plan placed an undue burden on other interpreters and describe other accommodations made for interpreters with regards to meetings they might work on”;

c. [S]chedules of meetings to demonstrate that freelancers were not used to cover high stress meetings”;

d. “[A]n email of 19 July 2019 between her and the Executive Office”.

7. The Respondent, in the joint motion dated 12 March 2021, made the following submission regarding additional evidence in para. 71:

... Should the Dispute Tribunal grant the Applicant's request to adduce additional evidence, the Respondent asserts the right to examine

and test the Applicant's evidence. This includes: a) disclosure of the Applicant's medical records; b) cross examination of the Applicant's physicians; c) the opportunity to rebut the Applicant's medical evidence; d) cross examination of the Applicant's evidence with respect to the allocation of work and resources within [English Interpretation Section]; and e) the opportunity to present rebuttal testimony from Sergey Kochetkov, Chief of the Interpretation Section; Elina Pekler, the Applicant's former [first reporting officer]; and a staff member from the Executive Office of [Department for General Assembly and Conference Management] with respect to the Applicant's attendance records.

8.

