Before: Judge Joelle Adda

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

GARAY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alister Cumming, UNICEF

Introduction

1. On 10 February 2022, the Applicant, a former staff member with the United Nations Children's Fund ("UNICEF") filed an application in which she contests the "[d]ecision to place a note on Applicant's official status file which states that "[i]f [she] were to rejoin UNICEF as a staff member, a disciplinary process would be initiated". This decision was taken on 16 August 2021 by the Chief, Administrative Law Unit, Office of the Executive Director, UNICEF.

2. On 18 February 2022, the Respondent filed a motion to have receivability be determined as a preliminary issue.

3. On 4 March 2022, by Order No. 024 (NY/2022), Judge Joelle Adda, as Duty Judge granted the Respondent's motion to have the issue of receivability decided as a preliminary issue. The Duty Judge further instructed the Applicant to file a response to the Respondent's submissions on receivability, which the Applicant duly filed.

4. On 20 December 2022, the case was assigned to Judge Joelle Adda.

Factual background

5. The Applicant joined UNICEF as a staff member on 7 February 2018 on a temporary appointment.

6. On 12 June 2019, UNICEF's Office of Internal Audit and Investigations ("OIAI") received a report of possible misconduct involving the Applicant. OIAI initiated an investigation and notified the Applicant that she was the subject of an investigation on 21 June 2019. OIAI interviewed the Applicant on 25 June 2019 and 23 January 2020.

7. The Applicant separated from service on expiration of her appointment on 5 February 2020, while the investigation was still pending.