



Introduction

1. Between 3 April and 24 May 2013, the United Nations Dispute Tribunal received six separate applications from six Security Officers in the Department of Safety and Security in New York, appealing the decision made by the Chief, Safety and Security Services, with the approval of the Office of Human Resources Management, to require them as a condition of future employment to undergo a comparative review exercise. Specifically, the six applications were filed on the following dates and assigned the following case numbers:

- a. UNDT/NY/2013/020 (*Yudin*) – filed on 3 April 2013;
- b. UNDT/NY/2013/022 (*Adundo*) – filed on 3 April 2013;
- c. UNDT/NY/2013/023 (*Lamuraglia*) – filed on 8 April 2013;
- d. UNDT/NY/2013/024 (*Adu-Mensah*) – filed on 8 April 2013;
- e. UNDT/NY/2013/032 (*Mabande*) – filed on 22 April 2013;
- f. UNDT/NY/2013/089 (*Chaclag*) – filed on 23 May 2013.

2. The present Judgment concerns the application filed by Mr. Lamuraglia (Case No. UNDT/NY/2013/023).

Background

Early case management

3. By five separate Orders issued on 30 May 2013 (Orders No. 135 (NY/2013), No. 136 (NY/2013), No. 138 (NY/2013), 141 (NY/2013), 142 (NY/2013)), the Tribunal ordered the parties in *Yudin*, *Adundo*, *Lamuraglia*, *Adu-Mensah*, and *Mabande* to file five separate jointly signed statements identifying agreed and disputed issues of law and

fact in each of their cases. No joint submission was ordered in the matter of *Chaclag*. The submissions were duly filed.

4. On 13 October 2013, the Applicant in the matter of *Yudin* filed a motion for an expedited hearing on the merits. He stated that his contract was set to expire on 31 December 2013 as a result of the contested retrenchment process, and, “if the Tribunal does not intervene, [he woul

Case management discussion of 26 November 2013

9. Counsel for the Applicants attended the case management discussion in person. Counsel for the Respondent appeared by telephone.

10. Counsel for the Applicants stated that five of the six Applicants had been placed against regular budget posts. Counsel for the Applicants stated, however, that all of the Applicants, bar one, nevertheless intended to proceed with their claims as they wished to claim pecuniary and non-pecuniary damages.

11. Counsel for the applicants further stated that one of the Applicants wished to withdraw his case. The Tribunal advised Counsel for the Applicants that, in this event, a notice of final and full withdrawal, including on the merits, should be filed by the said Applicant. This would be an appropriate cost saving procedure and would, of course, be without prejudice to the claims of the remaining Applicants.

12. At the conclusion of the case management discussion, the parties were directed to discuss any outstanding matters and agree on dates for a hearing on the merits.

Joint submission of 26 November 2013

13. On 26 November 2013, following the case management discussion, the parties filed a joint submission requesting the hearing to be rescheduled to the latter half of January 2014, preferably any three days in the week of 27–31 January 2014 or, alternatively, 22–24 January 2014. The parties further filed an agreed order of appearance of witnesses.

Hearing on the merits set for 29–31 January 2014

14. By Order No. 324 (NY/2013), dated 29 November 2013, the Tribunal set these cases for a hearing on the merits on 29–31 January 2014. The parties were directed, in the event they decide to resolve these cases informally, to advise the Tribunal accordingly in good time prior to the scheduled hearing on the merits in order to avoid

unnecessary expenditure of the Tribunal's resources. Further, the Tribunal ordered that should any of the Applicants decide not to proceed further with the application, they shall promptly file a notice withdrawing ~~thimally~~ and entireing on the merits.

Notice of withdrawal in a related case

15. On 10 Decemb.2-2013, Mr. Mabande filed a notice of withdrawal of his application. On 11 Decemb.2-2013, the Tribunal issued Judgment No. UNDT/2013/168, stating that, "[t]here no long.2-being any de0.2mination to make, this application is dismissed in its entirety without lib.2ty to reinstate or the right to appeal".

Notice of withdrawal in the present case

16. On 27 January 2014, the Applicant in the present case filed a notice of withdrawal, stating: "The Applicant has ~~decided~~ notetoproceed further withhis 4 Tyj()notHe g thbpr

Case No. UNDT/NY/2013/023

Judgment UNDT/2014/010

