

---

UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/024  
Order No.: 109 (NY/2023)  
Date: 19 October 2023  
Original: English

---

**Before:** Duty Judge  
**Registry:** New York  
**Registrar:** Isaac Endeley

HUNT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER**  
**ON CASE MANAGEMENT**

---

**Counsel for Applicant:**

George G. Irving

**Counsel for Respondent:**

Steven Dietrich, DAS/ALD/OHR UN Secretariat  
Miryoung An, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 21 July 2023, the Applicant, a former Senior Investment Officer with the United Nations Joint Staff Pension Fund (UNJSPF), filed an application in which the disciplinary measure of separation from service with compensation in lieu of notice and with termination indemnity .

2. On 23 August 2023, the Respondent filed a reply in which he contends that the application is without merit. The reply is 17 pages and therefore exceeds the 10-pages limits stipulated in art. 19 of Practice Direction No. 4 (filing of applications and replies).

## **Consideration**

*The issues of the present case*

3. the inherent power to individualize and define the administrative decision challenged by a party and to identify the subject(s) of judici

*Fasanella*

2017-UNAT-765, para. 20, as affirmed in *Cardwell* 2018-UNAT-876, para. 23.

4. Accordingly, the basic issues of the present case can be defined as follows:

a. Did the Assistant Secretary-General for Human Resources ASG/HR lawfully exercise her discretion when imposing the disciplinary measure of separation from service, with compensation in lieu of notice and with termination indemnity, in accordance with Staff Rule 10.2(a)(viii), against the Applicant?

b. If not, to what remedies, if any, is the Applicant entitled?



capriciousness, arbitrariness and lack of proportionality are some of the grounds on which tribunals may for good reason interfere with the exercise of administrative *Sanwidi*, para. 38).

### *Case management*

#### Agreed and disputed facts

8.

Tribunal on what facts they actually agree and disagree. In this regard, the Appeals Tribunal has held that the Dispute Tribunal is not to make its own factual findings if the parties have agreed on certain facts (see *Ogorodnikov* 2015-UNAT-549, para. 28). The Tribunal also notes that the very purpose of producing evidence – written or oral – is to substantiate the specific relevant facts on which the parties disagree. Accordingly, there is, in essence, only a need for evidence if a fact is disputed and relevant (in line herewith, see *Abdellaoui* 2019-UNAT-929, para. 29, and *El-Awar* 2019-UNAT-931, para. 27).

9. The Tribunal will therefore order the parties to produce consolidated lists of agreed and disputed facts to be able to understand the factual issues at stake.

#### Evidence

10. To start with, the Tribunal notes that neither party has requested production of any additional evidence, either written or oral. If either of the parties wishes such evidence to be produced, they are to specifically refer to the relevant documentation/witness and clearly indicate what disputed fact the relevant evidence is intended to corroborate. In this regard, the Tribunal notes that the Appeals Tribunal has prohibited a so-

instance, *Rangel* Order No. 256 (2016)). A party requesting certain evidence must therefore be able to provide a certain degree of specificity to her/his request.

11. As the present case is a disciplinary case, the Tribunal notes that evidence the facts of the contested decision have lawfully been established – the disciplinary

Case No. UNDT/NY/2023/024

Order No. 109 (NY/2023)



