
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/094
Order No.: 043 (NBI/2020)
Date: 20 February 2020
Original: English

Before: Judge Rachel Sophie Sikwese

Registry: Nairobi

Registrar: Abena Kwakye-Berko

DANYLENKO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION TO
PRODUCE AUDIO-RECORDING AND
WITNESSES FOR AN ORAL
HEARING**

Counsel for

Introduction

1. On 15 September 2018, the Applicant, a former FS-5 Movement Control Section (MOVCON) Assistant with the United Nations Mission in Liberia (UNMIL), filed an application before the Dispute Tribunal. The Applicant describes the contested decision as “not obtaining” Field Central Review Board (FCRB) clearance for the position of FS-6 MOVCON Officer during two rostering exercises: Generic Job Opening (GJO) No. 425940 in 2013/2014 and GJO No. 76109 in 2017/2018.

2. The Respondent filed a reply on 18 October 2018 arguing, *inter alia*, that with respect to the decision on GJO 425940, the Application is not receivable because the Applicant did not timely request management evaluation as required by staff rule 11.2(c).

3.

may not be conducted in other situations such as in this proceeding, if the Tribunal was of the view that an oral hearing would be in the interests of justice.

12. The Tribunal has taken into consideration the Applicant's status as a lay person and has also considered the pleadings and the main issue of contention which relates to the oral interview. In particular, the Applicant states that:

(he) was not made aware that the question raised by the Panel: 'Tell me about last time a client made an excessive or unreasonable demand on

18. The Respondent shall upload, into the Court Case Management System (CCMS), the audio-recording of the half-hour interview conducted on 7 May 2018 on or before **Thursday, 27 February 2020**.

(Signed)

Judge Rachel Sophie Sikwese
Dated this 20th day of February 2020

Entered in the Register on this 20th day of February 2020

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi