

Case No.: UNDT/NBI/2023/055
Order No.: 63 (NBI/2024)
Date: 7 June 2024

Introduction

1. On 10 July 2023, the Applicant, a former Construction and Maintenance Worker at the United Nations Stabilization Mission in the Democratic Republic of Congo, filed an application contesting a decision of 1 May 2023 to separate him from service with compensation *in lieu* of notice and without termination indemnity.
2. The Respondent filed a reply on 10 August 2023 and requests the Tribunal to reject the application. He contends that there is clear and convincing evidence in support of the sanction imposed on the Applicant.
3. By Order No. 56 (NBI/2024), the Tribunal, among others, directed the parties to submit a list of their witnesses and the subject about which each witness will testify about.
4. On 24 May 2024, the Respondent submitted his response to Order No. 56 (NBI/2024) indicating that he will not call any witnesses unless the Applicant testifies, in which case the Respondent's Counsel will cross-examine him.
5. On 30 May 2024, the Applicant responded to the same order and provided a list of four witnesses, including the Applicant himself. The Applicant also indicated that his witnesses will require interpretation from French to English.
6. On 2 June 2024, the Applicant filed a motion for production of evidence.
7. In view of the submissions by the parties, the Tribunal has decided to hold a case management discussion ("CMD"). The purpose of the CMD is to:
 - a. discuss and identify the claims and issues in the case;
 - b. discuss matters relating to production of the documents requested by the Applicant;
 - c. discuss the logistics relating to the interpretation services; and

d. generally deal with any other matter relating to the consideration and determination of this application.

ORDERS

8. A CMD in this case will take place on **Tuesday, 25 June 2024 at 10 a.m.** (Nairobi Time, UTC +3) via Microsoft Teams.

9. The parties or their duly designated representatives must attend the CMD. The Registry will provide a link to access the meeting.

(Signed)

Judge Sean Wallace

Dated this 7th day of June 2024

Entered in the Register on this 7th day of June 2024

(Signed)

Eric Muli, Legal Officer, for, René M. Vargas M., Officer-in-Charge, Nairobi