
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/018

Order No.: 107 (NY/2019)

Date: 15 July 2019

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

NADEAU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Peter A. Gallo, Esq.

Counsel for Respondent:

Elizabeth Gall, ALD/OHR, UN Secretariat

possible action to enforce accountability under art. 10.8 of this Statute. The Tribunal observes that insofar as a case is pending before it, the right to counsel persists even if the proceedings are suspended for informal negotiations.

6. Consequently, the Respondent is to confirm that the Applicant has not, and will not, be denied his right to counsel of his own choice at any stage of in the current proceedings.

The issue of the present case

7. The Tribunal notes that it is the consistent jurisprudence of the Appeals Tribunal that an applicant must identify an administrative decision capable of being reviewed (see, for instance, the Appeals Tribunal in *Planas* 2010-UNAT-049, *Reid* 2014-UNAT-419 and *Haydar* 2018-UNAT-821). At the same time, the Appeals Tribunal has allowed the Dispute Tribunal to define the administrative decision(s) and issue(s) under review by taking into account the entire application and all the various submissions made therein (see, for instance, *Hassanin* 2017-UNAT-759, *Zachariah* 2017-UNAT-764, *Smith* 2017-UNAT-768, *Fasanella* 2017-UNAT-765, *Cardwell* 2018-UNAT-876 and *Farzin* 2019-UNAT-917). However, an applicant

9. The Tribunal notes that albeit interrelated, the decision to terminate the Applicant is an entirety

end of the disputed paragraph in square brackets, the party contesting the disputed fact shall set out the reason(s);

c. A list of any additional written evidence, which a party requests to produce, or request the opposing party to produce, and stating the relevance thereof;

d. Whether the parties request a hearing for witnesses to provide testimony to support any disputed facts and, if so:

i. Provide a list of the witnesses that each party proposes to call;
and

ii. Provide a brief statement or summary of the disputed fact(s) to be addressed by each witness;

e. If the parties would be willing to enter into negotiations on resolving the case amicably either through the assistance of the Office of the Ombudsman and Mediation Services or