
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/064
Order No.: 48 (NY/2020)
Date: 9 March 2020
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

ACQUATELLA CORRALES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Aleksandra Jurkiewicz, OSLA
Dorota Banaszewska, OSLA

Counsel for Respondent:

Susan Maddox, ALD/OHR, UN Secretariat

Introduction

1. On 30 June 2017, the Applicant, an Economic Affairs Officer at the P-3 level, Economic Commission for Latin America and the Caribbean, filed an application contesting the decision to separate him from service on the grounds of misconduct.
2. On 16 September 2019, pursuant to Order No. 118 (NY/2019), the parties filed a joint submission in which the Applicant requested a hearing in the matter.
- 3.

parties to attend a half day hearing in the week of 30 March to 3 April 2020. The Tribunal further ordered the Applicant s counsel to file a submission informing the Tribunal by 9 March 2020 whether the Applicant is able to appear at the hearing the week of 30 March 2020. In the event the Applicant is not able to appear, the Tribunal ordered that the submission should confirm whether, in the circumstances, the hearing may go ahead in order to hear only the testimony of Ms. Fatima Da Acosta, or if the case may be decided on the papers.

9. On 9 March 2020, the Applicant s Counsel filed a third motion to adjourn the hearing. The Applicant s counsel submitted that despite having made numerous attempts to contact the Applicant via e-mail and phone, she has not heard back from him. The Applicant s Counsel was therefore unable to confirm the Applicant s availability for the hearing. The Applicant s Counsel further submitted that it is in the interest of justice for the Applicant to have an opportunity to appear before the Tribunal in person and have his testimony heard.

Consideration

10. At the date of this Order, the Applicant s Counsel has made three motions for adjournment of the hearing dated 15 November 2019, 13 December 2019 and 9 March 2020. The Tribunal notes that the Applicant himself requested the hearing on 16 September 2019. It is now for the second time that the Applicant s Counsel requests accommodation for her client due to her being unable to make contact with the Applicant, notwithstanding of her numerous efforts to reach him. It follows that the Counsel has had no instructions in respect to the conduct of this case.

