
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/008

Order No.: 024 (NY/2022)

Date: 4 March 2022

Original: English

Before: Duty Judge

Registry: New York

Registrar: Nerea Suero Fontecha

GARAY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Introduction

1. On 10 February 2022, the Applicant filed an application in which she contests; (1) the decision to place a note on Applicant's official status file which states that "[i]f [she] were to rejoin UNICEF [United Nations Children's Fund] as a staff member, a disciplinary process would be initiated"; and (2) the decision not to make a conclusive determination of misconduct following the conclusion of a prohibited conduct investigation.

2. On 18 February 2022, the Respondent filed a motion to have receivability be determined as a preliminary issue. The Respondent also requests that the Tribunal suspend the deadline for the filing of the Respondent's reply, pending the Tribunal's determination of this motion.

3. On 18 February 2022, the Dispute Tribunal Registry informed the parties that in the absence of the undersigned judge, Judge Bravo, as Duty Judge, has decided to suspend the deadline for the submission of the reply until Judge Adda has ruled on the Respondent's preliminary motion.

Consideration

4. The Tribunal notes that the Respondent claims that the application is not receivable *rationae materiae* as the Applicant does not contest an administrative decision.

5. As a matter of judicial economy, the Tribunal will decide on the issue of receivability as a preliminary issue on the papers before it. Before making any final determination, the Tribunal will allow the Applicant to file a submission in response to the Respondent's motion on receivability.

