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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/003

Order No.: 058 (NY/2022)

Date: 29 June 2022

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Morten Albert Michelsen, Officer-in-Charge

PUMPYANSKAYA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
Robbie IR

## **Introduction**

1. On 13 January 2022, the Applicant filed the application in which she contests the “[f]inding of misconduct and imposition of sanction”, namely the disciplinary measure of demotion with deferment for one year of eligibility for consideration for promotion.
2. On 14 February 2022, the Respondent duly filed the reply in which he submits that the application is without merit.

## **Consideration**

### *The issues of the present case*

3. The Appeals Tribunal has consistently held that “the Dispute Tribunal has the inherent power to individualize and define the administrative decision challenged by a party and to identify the subject(s) of judicial review”. When defining the issues of a case, the Appeals Tribunal further held that “the Dispute Tribunal may consider the application as a whole”. See *Fasanella* 2017-UNAT-765, para. 20, as affirmed in *Cardwell* 2018-UNAT-876, para. 23.
4. Accordingly, the basic issues of the present case can be defined as follows:
  - a. Was it a lawful exercise of discretion to impose against the Applicant the disciplinary measure of demotion with deferment for one year of eligibility for consideration for promotion?
  - b. If not, to what remedies, if any, is the Applicant entitled?





11. When perusing the case file, the Tribunal finds that it needs to understand the case better before deciding whether all relevant written documents have been submitted. As for oral evidence, the Tribunal notes that arts. 16.1 and 2 of the Rules of Procedure provide that “[t]he judge hearing a case may hold oral hearings” and that “[a] hearing shall normally be held following an appeal against an administrative decision imposing a disciplinary measure”. It therefore follows that it is for the assigned judge to a case to determine whether a hearing is necessary and that in a disciplinary case like the present one, this shall normally be done.

12. If no oral evidence needs to be produced, the Tribunal will accordingly request

IT IS ORDERED THAT:

15. By **4:00 p.m. on Friday**,

17. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.