



Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: René M. Vargas M.

O'BRIEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Elizabeth Gall, BMS/OLS, UNDP

Introduction

1. On 25 March 2022, the Applicant, a former Regional Technical Advisor, Bureau for Policy and Programme Support (“BPPS”), United Nations Development Programme (“UNDP”), Regional Hub, Istanbul, received the disciplinary sanction of separation from service with compensation in lieu of notice and without termination indemnity.
2. On 21 June 2022, the Applicant filed the instant application.
3. On 22 July 2022, the Respondent filed his reply.
4. By notification dated 7 June 2023, the Tribunal invited the parties to attend a Case Management Discussion (“CMD”) on 14 June 2023, and instructed the Applicant to file his rejoinder, if any, by 14 June 2023 at noon Geneva time.
5. On 8 June 2023, the Applicant requested an extension of time to file his rejoinder until 21 June 2023, which was granted by notification on the following day.
6. On 14 June 2023, the parties attended a CMD, held virtually via Microsoft Teams.
7. On 21 June 2023, the Applicant filed his rejoinder.

Consideration

Hearing on the merits

8. At the CMD, the Applicant manifested his desire to have a hearing on the merits, which the Respondent opposed.
9. In its rejoinder, the Applicant reinforced the request for a hearing on the merits, particularly to hear his testimony and that of the following witnesses, who are allegedly able to provide some information concerning the Applicant’s alleged involvement in unauthorized outside activities:

- a. Mr. Marcel Alers, former UNDP Head of Energy and First Reporting Officer (“FRO”) of the Applicant;
- b. Mr. Jesse Uzzell, former UNDP consultant; and
- c. Mr. Wayne King, former Managing Director of Carbon Market Solutions (“CMS”).

10. Having considered the parties’ positions, the Tribunal is of the view that a hearing on the merits is warranted in this case, specifically to clarify the issues surrounding the Applicant’s alleged involvement in unauthorized outside activities.

Tentative schedule

11. Both parties confirmed their availability to attend a hearing on Friday, 7 July 2023, and, based on this information, the tentative schedule of the hearing, which may be subject to change, is as follows:

Friday, 7 July 2023 (all times are Geneva time)

2 p.m.	Parties’ opening statements.
2.30 p.m.	Applicant. Examination-in-Chief by Counsel for the Applicant, and cross-examination by the Respondent’s Counsel.
3.30 p.m.	Mr. Marcel Alers. Examination-in-Chief by Counsel for the Applicant, and cross-examination by the Respondent’s Counsel.
4 p.m.	Mr. Jesse Uzzell. Examination-in-Chief by Counsel for the Applicant, and cross-examination by the Respondent’s Counsel.
4.30 p.m.	Mr. Wayne King. Examination-in-Chief by Counsel for the Applicant, and cross-examination by the Respondent’s Counsel.
5 p.m.	Parties’ closing statements

Conclusion

12. In view of the foregoing, it is ORDERED THAT:

- a. An oral hearing will be held on **Friday, 7 July 2023, starting at 2 p.m. Geneva time**, virtually via Microsoft Teams;
- b. The parties are notified of the tentative schedule of appearances at the hearing as per para. 11 above; and
- c. The parties are instructed to provide their contact details, including the witnesses' (email and phone number), no later than **Monday, 26 June 2023**.

(Signed)

Judge Margaret Tibulya

Dated this 22nd day of June 2023

Entered in the Register on this 22nd day of June 2023

(Signed)

René M. Vargas M., Registrar, Geneva