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### **The Application and Procedural History**

1. The Applicant served as an Administrative Assistant at the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”), on a fixed-term appointment at the FS5 level and was based in Bangui.
2. On 20 March 2019, the Applicant filed an application at the United Nations Dispute Tribunal in Nairobi to challenge the Respondent’s decision to not renew her appointment with the Mission beyond 31 December 2018.
3. The Registry received the Respondent’s reply to the application on 23 April 2019.

### **Facts**

review exercise.

8. In the review of the two staff members encumbering the two Administrative Assistant posts, the Applicant scored fewer points than her colleague.

9. On 25 May 2018, the Department of Field Support (“DFS”) endorsed the results of the CRP.

10. On 29 May 2018, the CHRO informed the Applicant that she would be separated from service of the Organization as of 30 June 2018.

11. On 21 June 2018, the Applicant asked the CHRO to consider extending her appointment to 31 December 2018 so that she attains the retirement age of 62, and therefore maximises her pension benefits and other entitlements as applicable.



24. It is noted that the Applicant's appointment was for a fixed term and there was  
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was ordered to permit her to contest that decision.

31. The Applicant argued that she could not have been genuinely evaluated for the period 2017 to 2018 since she was not in Bambari at that time. The Applicant was also on sick leave for about a month.

32. The Respondent separated his response into two parts dealing with two decisions.

33. The Respondent argues that the first decision was the non-extension of the Applicant's appointment. In the Respondent's view, the Applicant's contract had already been extended by the time the application was filed, to 31 December 2018. The application was therefore moot on this issue. This was because the parties embarked upon informal communications between MEU and the Counsel for both sides and the request for management evaluation was withdrawn. There was therefore no management evaluation because of the settlement.

34. The Applicant had been informed of the decision not to renew her appointment beyond 31 December 2018 in July 2018. The Applicant did not request management evaluation of the decision not to renew her appointment beyond 31 December 2018.

35. The application based on the letter dated 4 December 2018 is not in response to an administrative decision but a human resource notification of the separation formalities that needed to be complied with prior to 31 December 2018.

36. The 60-day period for appealing the original decision of July 2018 had already passed and an agreed extension had been granted.

37. The application is therefore not receivable *ratione materiae*.

38. The factual background is that the Applicant was appointed to the position of

Administrative Assistant FS4 on 1 May 2014.

39. The administration decided to abolish 223 posts for the budget year of 2018. The proposal was to abolish 3 FS level Administrative Assistant positions in MINUSCA in 2018.

40. After informing the Applicant that her appointment would not be renewed, discussions took place between the officers of MINUSCA HR and the Applicant on the Applicant's request to have her appointment extended to allow her to retire at the age of 62. The request was granted on an exceptional basis.

41. The Respondent explained that the post against which the Applicant had been placed was temporarily vacant due to a temporary assignment of the incumbent of the post outside the mission.

42. As a result of this agreement between the Respondent and the Applicant, the management evaluation request was deemed closed and the Applicant was placed against a temporarily vacant post from 1 August to 31 December 2018. Consequently, the present application is not receivable.

43. An application is only receivable if it is filed within 90 calendar days of management's response to her proposal or within 90 calendar days of the expiry of the relevant response period for a management evaluation if no response to the request was provided.

44. Even if the Applicant had not been transferred from Bambari to Bangui, the Applicant would have been included in the CRP because the process was conducted across all duty stations of MINUSCA.

45. The Applicant's application filed on 20 March 2019 appealing the decision of July 2018 made to extend the date of retrenchment would therefore be time barred,

since the Applicant was first notified of this decision in July 2018.

46. The Applicant also challenges the following: 682 738.48 207.05 17.52 reW\*<sup>n</sup>BT/F2 9.96 Tf1 0 0 1 440.95 743.64 Tm