



## **Introduction**

1. The Applicant, an Aviation Officer at the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic ( MINUSCA ) holding a fixed-term appointment at the P-3 level and based in Bangui, filed an

9. On 8 February 2023, the Respondent filed his motion for summary judgment and asked for the application to be dismissed, being it not receivable *ratione temporis* and moot.

10. On 10 February 2023, the Applicant was informed that a fact-finding panel had been established to investigate his June 2021 complaint.

11. On 12 February 2023, the Applicant responded to summary judgment. The Applicant submitted:

While expressing satisfaction that the Administration has finally implemented what it undertook to do twelve (12) months ago, the Tribunal is respectfully requested to send an appropriate response to the Administration that long delays constitute an abuse of process and authority.

### **Considerations**

12. The establishment of the fact-finding panel, as statutorily required, renders the application moot.

13. Even assuming the Respondent did not act in due time, there is no room - in consideration of the time elapsed from the management evaluation response to the day the application was lodged and, on a different side, from this date to the date the fact-finding panel was established - to award damages and reimbursement of expenses to the Applicant.

### **Judgment**

14. The application is moot.

15. The claim for damages and costs are dismissed.

Case No.: UNDT/NBI/2023/006

Judgment No.: UNDT/2023/010

*(Signed)*

Judge Francesco Buffa

Dated this 27<sup>th</sup> day of February 2023

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