Introduction

- 1. On 27 March 2019, the Applicant, a Human Resources Officer at the P-3 level, step 12, with the Department of Operational Support in New York, filed an application under art. 13 of its Rules of Procedure seeking to suspend the decision, pending management evaluation, to recover USD 6,201.82 from [his] March 2019 salar , which is to be implemented on 28 March 2019 with the payment of the Applicant March 2019 salary. The Applicant submits that the recovery of almost 60 percent of his March 2019 net salary will cause irreparable harm and undue financial hardship.
- 2. On the same day, the application was registered and assigned to the undersigned Judge.

Consideration

3. Applications for suspension of action pending management evaluation are governed by art. 2.2 of the Dispute Statute and art. 13 of the Rules of Procedure. The three statutory requisites of *prima facie* unlawfulness, urgency and irreparable harm must be satisfied for an application for suspension of action to be granted. Where an administrative decision has been implemented, a suspension of action may not be granted (*Gandolfo* Order No. 101 (NY/2013)), save where the implementation of the decision is of an ongoing nature (see, for example, *Calvani* UNDT/2009/092; *Hassanin* Order No. 83 (NY/2011); *Adundo* et al Order No. 8 (NY/2013): *Gallianhy Richard* (NY/2013): *Ga*

9.

Case No. UNDT/NY/201