

Introduction

1. By application filed on 22 July 2015, the Applicant, a staff member of the United Nations Logistics Base/United Nations Global Service Centre (“UNLB/UNGSC”), in Brindisi, requested suspension of action, pending management evaluation, of:

- a. “abuse of discretionary authority, retaliation, obstruction of opportunities for career advancement”;
- b. “the decision to open the [Temporary Job Opening (“TJO”)] TJO-GSC-15-16 (001) for Administrative Officer in order to hire unlawfully another staff to perform [the Applicant’s] my agreed roles and responsibilities”;
- c. “the continued unfair and incomplete consideration as Staff Member by not assigning duties to perform after [she] contested the [Director of Mission Support (“DMS”), UNGSC] decision” by request of management evaluation dated 5 May 2015.

Facts

2. Pursuant to the terms of a Settlement Agreement signed by the Applicant

5. **By email of 12 November 2014, in response to inquiries from the Applicant,**

19. At the beginning of July 2015, a TJO announcement was issued, under reference TJO-GSC-15-16 (001), with 16 July 2015 as deadline for candidacies,

submitted to the Secretary-General for consideration or approved by the General Assembly;

b. There is a strong case of retaliation by the DMS;

c.

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f. The Applicant has not shown that there are “serious and reasonable doubts” about the lawfulness of the decision she seeks to suspend. She has presented no basis to find that the DMS retaliated against her or treated her unfairly, nor to challenge the issuance of the TJO;

g. The TJO was issued as part of staff preparations for the implementations of Umoja Extension 1. It was lawful for the Administration—which has wide discretion to structure its services—to respond to this urgent need and seek additional resources for this project;

h. As a result of the alleged threatening behaviour of the Applicant’s husband, and her erratic behaviour, it has not been possible to assign any new duties to the Applicant since her proposed reassignment to BSS. Since the Applicant filed a complaint for misconduct against the person who should have become her direct supervisor, her reassignment to BSS became untenable. Further, it is not possible either for her to resume her duties in ODMS, due to the previous breakdown in trust between her and the DMS, who would be her supervisor in ODMS;

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i. There is no urgency in the instant matter. The Applicant was reassigned to a new role on 6 May 2015 and, should she wish to take action under ST/SGB/2008/5, she must undertake the procedures prescribed therein and await the outcome;

j. It is not established that the Applicant may suffer irreparable harm. She may pursue a complaint under ST/SGB/2008/5. The issuance of the TJO had no impact on her and it has been withdrawn.

Constitution

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26. The subject-matter of the present application is three-folded, as it is aimed against, in the Applicant's own words:

- a. **"abuse of discretionary authority, retaliation, obstruction of opportunities for career advancement";**
- b.

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to the veracity of one position or the other within the framework of an application for suspension of action, given the limited scope of this kind of proceedings. Moreover, the Tribunal notes that the relevant events are still under investigation. However, there is no doubt that certain incidents indeed occurred, involving the

Conclusion

41. Nevertheless, in view of the foregoing, the application for suspension of action is rejected.

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Judge Thomas Laker

Dated this 29th day of July 2015

Entered in the Register on this 29th day of July 2015

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René M. Vargas M., Registrar, Geneva