



## **Introduction**

1. By application filed on 10 February 2020, the Applicant, a staff member of the United Nations Office on Drugs an

6. On 31 January 2020 the Applicant was informed of the decision to select him for the position of Chief, Senior Information Systems Officer at the P-5 level in the United Nations Office of Counter-Terrorism (“UNOCT”) in Vienna.

7. On the same day, the Applicant confirmed his acceptance and availability for the position.

8. By letter dated 3 February 2020, the Applicant, through his Counsel, requested the Chief, HRMS to rescind the decision to place him on administrative leave with pay. He explained that given the Applicant’s appointment to the P-5 position, the reasons provided for in his placement on administrative leave were no longer valid. He requested a response by 7 February 2020.

9. By email dated 6 February 2020, a Human Resources Officer replied to the Applicant’s request on behalf of the Chief, HRMS. He informed the Applicant that a request had been received for his release and that he would be informed of any decision in that regard.

10. On 7 February 2020, the Applicant filed a request for management evaluation of the decision “to keep [him] on administrative leave with full pay despite his recent promotion” to the P-5 level in UNOCT.

11. By memorandum dated 10 February 2020, the Chief, HRMS informed the Applicant that, in view

13. On 13 February 2020, the Applicant filed a motion for leave to respond to the Respondent's reply, along with a submission in which he categorically refutes all the allegations made against him in the memo of 20 November 2019.

### **Consideration**

14. The Tribunal recalls that what is being contested in the current case is not the decision to place the staff member on administrative leave with pay, which was notified to him on 25 November 2019, but rather, the decision not to end his placement on administrative leave with pay in view of his selection for the position of Chief, Senior Information Systems Officer at the P-5 level in UNOCT. Therefore, the legality and the rationale of the decision to place the Applicant on administrative leave with pay will not be addressed.

15. On 3 February 2020, the Applicant requested the Administration to put an end to his placement on administrative leave alleging that this would prevent him from reporting to his new position which will be detrimental to his career. Since the Administration had not made a decision on the Applicant's request by the time he filed his request for management evaluation, the Applicant qualified the inaction of the Administration as an implied decision.

16. However, the so-called implied decision was, in fact, superseded by a decision taken by the Chief, HRMS, UNODC on 10 February 2020 when the Applicant was informed that his placement on administrative leave with pay will j 189.95399475j (

Case No. UNDT/GVA/2020/012

Order No.