



## **Introduction**

1. The Applicant holds a temporary appointment with the United Nations. He is currently a Civil Affairs Officer at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). He serves at the P4 level and is based in Goma.

2. On 16 March 2015, the Tribunal received the Applicant's Application for Suspension of Action. He is seeking an injunction against a decision excluding him from being considered for the position of Principal Civil Affairs Officer (D1). In his Application, he stated that he had already submitted the mandatory request for management evaluation and received a response to the said request.

3. On 16 March 2015, the Tribunal issued Order No. 087 (NBI/2015) directing the Applicant to file the response from the Management Evaluation Unit (MEU), which he claimed to have received on 6 March 2015. The Tribunal also directed service of the Application on the Respondent and urged the Applicant to seek representation by counsel.

4. The Respondent filed his Reply to the Application on 17 March 2015.

5. On the same day the Applicant furnished the Tribunal with a letter from MEU dated 6 March 2015, which was not a response to his request for review but an acknowledgment of the receipt of his request.

## **Submissions**

### ***Applicant***

6.

7. On 26 January 2015, he was informed by the Hiring Manager that he did not meet the requirements for that post. The Applicant complained about the manner in which his application for the post was treated to the MONUSCO Chief of Staff, Director of Mission Support and a

14. Should the Tribunal find the Application to be receivable, it must fail for not meeting the required test for the grant of a suspension of action. The Applicant has not met the requirements of art. 2.2 of the Statute in that he has failed to show that the impugned decision is *prima facie* unlawful, that it is urgent or that it will cause him irreparable harm.

15. The Applicant was fully and fairly considered for the contested position in accordance with the provisions of ST/AI/2010/3 (Staff selection system).

16. The Hiring Manager reviewed all candidates against the criteria of the job opening in accordance with section 7.4 of ST/AI/2010/3. Three applicants were found to be eligible and suitable and were shortlisted for interview in accordance with section 7.5. The Applicant was not found to be suitable, and was therefore not shortlisted for further assessment.

17. In order to confirm the Applicant's suitability for the job opening, MONUSCO contacted the Division of Policy, Evaluation and Training (DPET) within the Department for Peacekeeping Operations (DPKO) and the Department of Field Support (DFS). Field Personnel Operations SEvale

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