







*Urgency*

13. The Applicant submits that the Administration

the UNDT.

14. The Administration has breached its contract with him by failing to respect his rights as a staff member.

*Irreparable harm*

15. The Applicant submits that the consequence of the decision is damage to his reputation and integrity.

**Respondent's submissions**

*Prima facie unlawfulness*

16. The Applicant has not demonstrated that the contested decision is *prima facie* unlawful.

17. The Organization has a duty to correct administrative errors. The Applicant accepted the job offer on the basis that the duty station was Kinshasa. The job opening for the Close Protection Officer position, which he applied for, stated that it was in Kinshasa. Throughout his appointment with MONUSCO, he was based in Kinshasa within the Office of the SRSG.

18. The Applicant is not entitled to be paid at the Goma rate for work performed in Kinshasa.

*Urgency*

19. The Applicant has not demonstrated any particular urgency.

*Irreparable harm*



**Conclusion**

29. The application for suspension of action is **REJECTED**.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 14<sup>th</sup> day of November 2017

Entered in the Register on this 14<sup>th</sup> day of November 2017

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi