



Before: Judge Rachel Sophie Sikwese
Registry: Nairobi
Registrar: Abena Kwakye Berko

HANDY

v.

SECRETARY GENERAL
OF THE UNITED NATIONS

ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION

AND

A MOTION FOR
ACCOUNTABILITY PURSUANT TO
ARTICLE 10.8 OF THE STATUTE
OF THE DISPUTE TRIBUNAL

Counsel for the Applicant:
Natalie Puchalka, OSLA

Counsel for the Respondent:
Christine Graham, AAS/ALD/OHR
Rosangela Adams, AAS/ALD/OHR

Introduction

1. The Applicant, a staff member of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic ("MINUSCA"), filed an application on 26 December 2019 seeking suspension of the decision not to renew his appointment beyond 1 January 2020 ("Contested Decision"). The Applicant also requests: (i) suspension of the contested decision in part art. 13 suspension of action proceedings pursuant to articles 19 and 36 of the UNDT Rules of Procedure; and (ii) a referral for accountability against the MINUSCA Di521.52 Tm (r)-7()49(a)3(c)3(c)3(o)-20

5. In the instant case, there is administrative decision subject of an ongoing management evaluation because on 27 December 2019, the Applicant received the outcome of his 26 December 2019 request for management evaluation of the contested decision.

6. The Respondent further contends that to a typo on the Applicant's extension of appointment personnel action ("PA"), the contract expiry date reads 1 January 2020 instead of 31 January 2020. As a corrective action, the Organization has raised a new PA, which indicates 31 January 2020 as expiration date of the Applicant's appointment.

7. Furthermore it is noted from the application and confirmed by the Respondent that there is no administrative decision 'not to renew Applicant's appointment beyond 1 January 2020' as alleged by the Applicant

Considerations

8. Article 13 of the UNDT Rules of Procedure provides that:

The Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing

through subsequent administrative actions such as completion of the management evaluation process as is the case in the present action

11. The Applicant has failed to satisfy the Dispute Tribunal that there is a pending administrative decision for consideration before the MEU. On that basis alone the

Orders

14. The application for suspension of actions is refused.
15. The application for an order for accountability is denied.

(Signed)

Judge Rachel Sophie Sikwese

Dated this 3rd day of January 2020

Entered in the Register on this 3rd day of January 2020

(Signed)

Abena KwakyeBerko, Registrar, Nairobi