

Introduction

1. The Applicant is an Associate Security Officer with the United Nations Mission in Iraq ('UNAMI'). He serves on a fixed term appointment at the P2 level. At the time of the Application, he was based in Erbil, Iraq.

Procedural History

2. On 6 April 2019, the Applicant filed an application challenging the Respondent's decision of 30 September 2018 which refused his request for a transfer to a different duty station on grounds of his medical condition. The medical condition arose from an incident when the Applicant was attacked on the job by a staff member in December 2013. Requests for transfer commenced in 2014. The application was registered by the Registry of the United Nations Dispute Tribunal in Nairobi as UNDT/NBI/2019/042.

3. The Applicant sought review of the decision by the Management Evaluation Unit ("MEU") on 26 November 2018.

4. The Respondent filed his Reply to this first application on 10 May 2019, contending that the application is neither receivable nor well-founded on the merits.

5. On 18 June 2019, the Applicant filed another application challenging what he called the Respondent's "failure to afford the Applicant the proper duty of care by continued delay and refusal to accommodate his medical condition by transferring him on medical grounds." The decision being impugned in this application was made on 21

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Order No.:

- i) on the likelihood of this matter being settled informally i.e. *inter partes* or with the assistance of the Office of the Ombudsman and Mediation Services; or

- ii) Whether the Tribunal should proceed on the papers before it to determine the case as to receivability and merits.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 9th day of April 2020

Entered in the Register on this 9th day of April 2020

(Signed)

Abena Kwakye-Berko, Registrar, UNDT, Nairobi