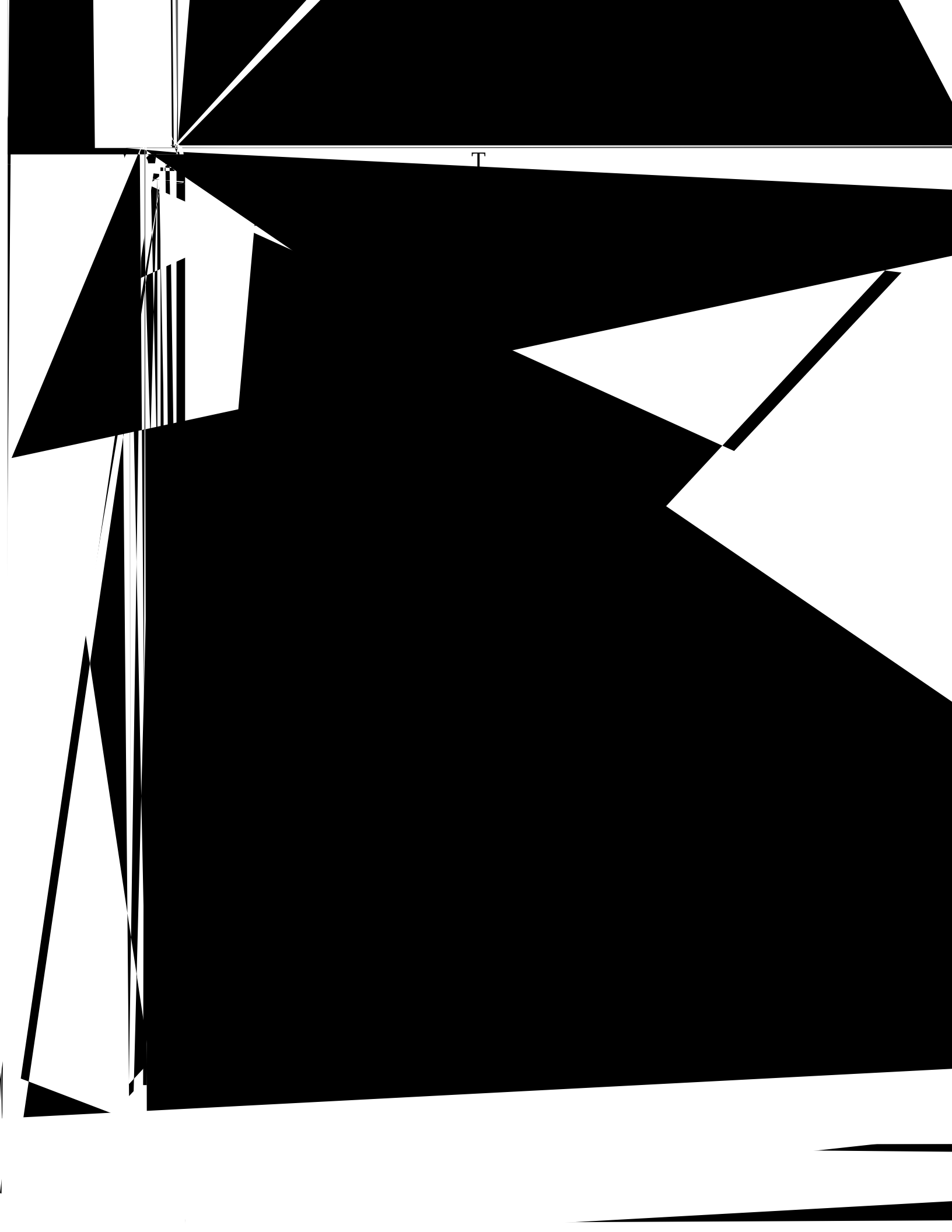

Introducti on

1. On 9 September 2019, the Applicant filed an application challenging the decision to strip him of his functions, which he described as a "series of administrative decisions which were never communicated to him, but of which in time he observed the effects, to undermine and obstruct the performance of his normal functions".[1] At the time, the Applicant was a Deputy Security Advisor, at the P-4 level, working with the United Nations Support Mission in Libya ("UNSMIL").[2]

2. On 10 October 2019, the Respondent filed a reply where it is argued that the application is not receivable *ratione materiae* on the basis that the Applicant has not identified an administrative decision under art. 2.1(a) of the Dispute Tribunal's Statute. The Respondent also submits that the Applicant challenges the conduct of his First Reporting Officer ("FRO"), extending over the period from May 2018 to February 2019, yet the FRO's conduct is not an administrative decision. The Applicant has made a formal complaint of the prohibited conduct against the FRO, which complaint is under review by the responsible office. Otherwise, only one decision regarding not-appointing the Applicant as Officer-in Charge ("OiC") would be receivable under the applicable statutory deadlines.

3. In view of the above, the Respondent requests the Tribunal to determine the receivability of the application as a preliminary matter. Should the Tribunal find the application receivable, the Respondent requests that the Tribunal identify the contested decision and grant him leave to make submissions on the merits of the decision.

4. By Order No. 191 (NBI/2019), the Tribunal directed the Applicant to address in full the question of receivability indicating the date on which the contested

and actions described in the application, the Applicant inferred the decision to strip him of his functions at the time of the filing of the management evaluation request.

Considerations

5. As admitted by the Respondent, at minimum the decision of 1 February 2019 is properly before the Tribunal;[3] as such, arguing against receivability of the entire application is unmerited. As to whether a series of decisions could be characterized as one of a continuous effect, the Tribunal shall proceed on a *prima facie* determination in favour of receivability.

ORDERS

6. The application is receivable.

7. The reply shall be filed by 5 p.m. (Nairobi time) on 10 July 2020.

8. In the reply, the Respondent is requested to include information about the result of the Office of Internal Oversight Services investigation and a fact-based explanation why the Applicant was not ever assigned OiC functions.

(Signed)
Judge Agnieszka Klonowiecka-Milart
Dated this 22nd day of June 2020

Entered in the Register on this 22nd day of June 2020

(Signed)
Abena Kwakye-Berko, Registrar, Nairobi

[3] Reply, section B, para 11.