



DISPUTE TRIBUNAL

Introduction

1. The Applicant is a Conduct and Discipline Officer working with the United Nations-African Union Hybrid Operations in Darfur ("UNAMID"), Sudan. He serves on a fixed term appointment ("FTA") at the P-3 step 10 level.¹

2. On 3 March 2021,

6. On 14 January 2021, the Applicant received a letter from the Director of Mission Support, UNAMID informing him that owing to the closure of UNAMID, his position has been abolished and his FTA would not be extended beyond its expiry date of 30 June 2021

7. On 2 February 2021, the Applicant applied, through Inspira, for an advertised position of Conduct and Discipline Officer, P-3, within MINUSCA, with the duty station in Bangui, Central African Republic.

8. The Applicant avers that he became aware that during the week of 15 February 2021, a Field Staff ("FS") staff member, who currently works in the MINUSCA Conduct and Discipline Team Office as an Administrative Assistant on an FTA, but who has never worked as a Conduct and Discipline Officer, has been selected for the P-3 Conduct and Discipline Officer position of which the Applicant had applied⁸

9. On 23 February 2021, the Applicant requested management evaluation of the contested decision. The Management Evaluation Unit is yet to respond.

The Submissions

Applicant's submissions

Unlawfulness

10. The Applicant contends that the decision not to select him is unlawful as it violates staff rule 9.6(a) and the Under-Secretary-General's directives on prioritizing staff serving on FTA and from downsizing missions.

Respondent's submissions

15. The Respondent primarily contends that the Application is not receivable *ratione materiae* because the Applicant does not contest a reviewable administrative decision. The recruitment process is still going and there has been no selection in

