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Introduction

1. The Applicant is a former Administrative Assistant, working with the United Nations Regional Service Centre Entebbe (“RSCE”), based in Entebbe, Uganda. She served on a temporary appointment at the GS-5 level.¹
2. On 9 April 2021, she filed an application for suspension of action before the United Nations Dispute Tribunal in Nairobi. She seeks to suspend the decision dated 15 March 2021, by Ms. Martha Helena Lopez, the Assistant Secretary-General for Human Resources (“ASG/HR”), refusing to grant an exception under staff rule 4.7 to allow the Applicant to be regularized from a temporary to a fixed term contract by the RSCE within the framework of the ongoing regularization exercise of long service staff on temporary appointments.
3. The Tribunal considered that reply from the Respondent was not necessary.

Facts

4. The Applicant was recruited in February 2019 on a temporary appointment in accordance with the guidelines issued by the Department in 2019

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already existing exception regarding her sister Ms. Namale, which had been granted after consideration of all the merits of the matter. The Office of Human Resources (“OHR”) has contravened a major legal principle of *res judicata*. The OHR, which considered the matter regarding the status of her sister as per the Secretary-General’s Bulletin on Status, Rights and Duties of the United Nations Staff Members, was precluded from considering the same matter afresh.

11. The Applicant also avers that the decision went against her legitimate expectations to pursue a career with the Organization in parallel with her sister.

12. The Applicant further submits that the OHR’s decision of 15 March 2021 was

15. Staff rule 4.7 (a) is categorical in not allowing two individuals with family relationships such as mother, father, sister or brother to work for the Organization irrespective of reporting lines or location. The Tribunal is unaware of the legal basis and motives for the exception that allowed granting an appointment to the Applicant's sister. However, the decision was clearly taken in the context of the temporary employment on the part of the Applicant and the consequences of such an exception are to be interpreted narrowly rather than by extending them beyond the status quo at the time of the decision. The approval granted exceptionally in the specific context did not create legitimate expectation that a parallel employment of the sisters will be maintained for as long as they wish to remain with the Organization.

16. The impugned decision is not *prima facie* unlawful. This entails refusal of the application. The Tribunal needs not address the remaining arguments.

ORDER

17. The application is refused.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 13th day of April 2021

Entered in the Register on this 13th day of April 2021

(Signed)

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi