UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. The Applicant is an Administrative and Finance Specialist at the Regional Office for Southern & Eastern Africa ("ROSEA"), United Nations Office for the Coordination of Humanitarian Affairs2 TmTf1 0 0 1 c09.850.000008871 0 595.32842.04 reW*nBT/F4

7. On 23 August 2021, almost three years after the investigations commenced, the Applicant was informed of the decision he now seeks to have suspended. He was being placed on AWLOP pending completion of a review by the Office of Legal Services, Bureau for Management Services ("BMS/OLS") of the completed Investigation Report submitted by the UNDP Office of Audit and Investigations ("OAI").

8. The stated reason for the decision was that given the nature of the allegations and the evidence identified, the Applicant's continued service may pose a reputational risk to the Organization and impact negatively on the harmonious work environment in UNOCHA. Further, the letter indicated that there is a preponderance of evidence that the Applicant engaged in the alleged conduct; and that the allegations are of sufficient gravity that it will, if established, warrant his separation or dismissal.

9. On 20 September 2021, the Applicant submitted a management evaluation request concerning the contested decision.

Considerations

10. Articles 2.2 of the Dispute Tribunal's Statute and 13 of the Tribunal's Rules of Procedure govern the Tribunal's jurisdiction in deciding on applications for suspension of action. An applicant must satisfy the Tribunal that the contested decision is *prima facie* unlawful, that the case is of particular urgency and that implementation of the decision would cause irreparable damage.

Is the contested decision prima facie unlawful?

11. In establishing *prima facie* unlawfulness, the Applicant

16. In the reply filed by the Respondent, sufficient information is provided to support that th