

Case No.: UNDT/NBI/2021/090  
Order No.: 231 (NBI/2021)  
Date: 20 October 2021



receivable. Applications filed pursuant to arts. 2.2 of the UNDT Statute and 13.1 of the Rules of Procedure must be predicated on a pending management evaluation. While the Applicant sought management evaluation of the decision to not invite him for the CBI, he did not request management evaluation of the non-selection decision after he was invited for the CBI. Noting that these are two separate and discrete decisions, the Applicant cannot substitute his management evaluation request of 26 August 2021 for a non-selection decision that was taken on 18 October 2021.

8. Since the application is not receivable, the Tribunal will not consider the elements of *prima facie* lawfulness, urgency and irreparable harm.

**ORDER**

9. The application for suspension of action is refused.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 20<sup>th</sup> day of October 2021

Entered in the Register on this 20<sup>th</sup> day of October 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi