

Introduction

1. The Applicant is a Driver with the United Nations High Commissioner for Refugees in Ibb, Yemen.

2. On Friday, 29 September 2023, at 10.05 p.m., he filed an application for suspension of action pending management evaluation before the United Nations Dispute Tribunal in Nairobi. He seeks suspension of the decision to not renew his fixed-term appointment beyond 30 September 2023.

3. The application was only seized of it on Sunday, 1 October 2023.

Considerations

4. Pursuant to art. 19 of the UNDT Rules of Procedure, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties. Article 36(1) of the UNDT Rules of Procedure stipulates that all matters that are not expressET9P12 Tf1 0 0 1 176.71 449.42 T

expiration.

6. On 29 September 2023, the Applicant filed a request for management evaluation and also filed an application for suspension of action with the UNDT.

7. Reopening and downgrading a performance evaluation appears *prima facie* to be unlawful, especially nearly six months after the end of the performance cycle. Given that the Applicant was provided just two days notice that his contract would not be renewed beyond its expiration on 30 September 2023, this seems to be a case of particular urgency and where the implementation of the non-renewal decision would cause irreparable damage to the Applicant. F1 12 T 1 108.29 663.079n MCID 3/Lang (en-US)BDC q0.00

8. Further, the implementation of the non-renewal decision was imminent (MCID 3/Lang (en-US)).

Case No. UNDT/NBI/2023/075

Order No.: 152 (NBI/2023)

(Signed)