
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2024/034
Order No.: 58 (NBI/2024)
Date: 27

Case No. UNDT/NBI/20

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10. On 12 April 2024, OIOS' Human Resources Officer wrote to the Applicant notifying that "the decision has been taken by the USG to not renew [her] fixed term appointment beyond 30 June 2024".

11. On 25 April 2024, the Applicant filled an application for rebuttal of her FRO's performance rating.

12. The Human Resources and Talent Management Unit at the United Nations Regional Service-Centre, Uganda, wrote to the Applicant on 26 April 2024, regarding check out actions to be taken.

13. On 2 May 2024, the Applicant requested management evaluation of the contested decision.

14. By correspondence dated 7 May 2024, the Chief of the Management Advice and Evaluation Section informed the Applicant that "pursuant to Staff Rule 11.2(d), the management evaluation in [her] case is to be completed within 45 calendar-days of receipt of complete request, i.e., by 16 June 2024".

Consideration

15. Applications for suspension of action are governed by arts. 2.2 and 10.2 of the Statute of the Dispute Tribunal and arts. 13 and 14 of the Tribunal's Rules of Procedure.

16. Art. 2.2 of the Tribunal's Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. These three requirements are cumulative. In other words, they must all be met in order for a suspension of action to be granted. Furthermore, the burden of proof rests on the Applicant.

17.

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UNDT/2009/076, *Corna* Order No. 90 (GVA/2010), *Berger* UNDT/2011/134,
Chattopadhyay UNDT/2011/198, *Wang* UNDT/2012/080, *Bchir*
Order No. 77

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(Signed)

Judge Sean Wallace

Dated this 27th day of May 2024

Entered in the Register on this 27th