UNITED NATIONS DISPUTE TRIBUNAL

Case No. UNDT/NY/2016/019
Order No. 125 (NY/2016)
Date: 27 May 2016
Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Hafida Lahiouel

SERA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON AN APPLICATION FOR
SUSPENSION OF ACTION

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gourley, ALS/OHRM, UN Secretariat

Introduction

1. On 23 May 2016, the Applicant, a G-4 level staff member of the United Nations Joint Staff Pension Fund ("UNJSPF"), filed an application for suspension of action pending management evaluation of the decision not to renew her fixed-term appointment beyond 12 June 2016. She submits that as her contract is set to expire on Sunday 12 June 2016, urgent action is necessary by Friday, 10 June 2016.

Factual and procedural background

2. The following facts are based on the Applicant's submissions.

3. The Applicant submits that on 18 May 2016, she was called into an unscheduled meeting with her supervisor

5. With regard to the requirement of *particular urgency*, he submits that the application was filed before the contested decision of 18 May 2016 and that it will take effect on 10 June 2016.

6. With regard to the requirement of *irreparable damage*, the Applicant submits that the implementation of the contested decision will result in loss of wages and medical benefits, which cannot be remedied in the event the case succeeds on the merits.

7. On 23 May 2016, the Applicant requested management evaluation of the contested administrative decision.

8. On 23 May 2016, the Applicant also filed the present application before the Tribunal and, after being instructed, the case was assigned to the undersigned Judge. On the same day, 23 May 2016, the New York Registry instructed the Applicant that the Respondent was directed to file a reply by 5 p.m. on Wednesday, 25 May 2016.

9. On 24 May 2016, the UNJSPF filed the Applicant's application to suspend the contested decision pending management evaluation. The application stated:

> In accordance with the application filed by the Applicant before the United Nations Dispute Tribunal dated 23 May 2016, please be advised that the United Nations Joint Staff Pension Fund does not oppose the Applicant's application for suspension of the implementation of the contested decision pending management evaluation, which was duly filed on the same day, 23 May 2016.

10. On 25 May 2016, the Respondent filed his reply to the application requesting the Tribunal to dismiss it on the basis of receipt on 24 May 2016. The Respondent submits that since the Applicant has been separated from the Organization, the Dispute Tribunal rightly

extension being 22 June 2016. The contested administrative decision is therefore not moot.

19. As set forth earlier in the Application of 24 May 2016, Mr. [redacted] was informed that the UNJSPF had agreed to grant the decision to renew her appointment pending completion of management evaluation by 23 May 2016.

20. The Tribunal notes that the UNJSPF agreed to Applicant's request to suspend the implementation of the contested administrative decision pending management evaluation and decided not to implement it pending completion of management evaluation.

21. The Tribunal further considers that, in the present case, the implementation of the decision not to renew Applicant's appointment has been already suspended during the pendency of management evaluation by UNJSPF on 24 May 2016, as confirmed by the Respondent on 27 May 2016, and ordered by the Tribunal in the present proceedings.

22. Since the present application is not subject to be issued to prevent any harm arising out of the contested administrative decision, as appears *prima facie* to be the case where the implementation of the decision has been suspended by UNJSPF pending management evaluation, the Tribunal

Conclusion

23. Considering that the implementation of the contested administrative decision was suspended by the UNJSPF pending management evaluation, as confirmed by the Respondent, the Tribunal ORDERS:

The application is rejected.

Observation

24. The Tribunal observes that the deadline for filing an application in this case is 22 June 2016, because the Applicant's last contract expired on 12 June 2016, before the deadline for requesting management evaluation of the decision not to renew his contract. The Tribunal expects that the UNJSPF will take into account the Applicant's difficulties in obtaining the contested decision before the deadline for requesting management evaluation.

(*Signed*