



## Introduction

1. On 13 February 2018, at 7:51 p.m., the Applicant filed an application for suspension of action pursuant to art. 2.2 of the Statute of the Dispute Tribunal and art. 13 of its Rules of Procedure. In this application, the Applicant described the decisions that he seeks to suspend as follows:

I applied to a Recruitment from Roster [“RFR”] [Job Opening No. 88314, “JO#88314”], Chief of Unit, Procurement in Kabul, Afghanistan. I was informed by [name redacted, Mr. HJ], the [Chief Mission Support, “CMS”] of [the United Nations Verification Mission in Colombia, “UNVMC”] on 04 January 2018 that I [was] placed second on the list of suitable candidates and [name redacted, Mr. NR] [was] placed first on the list of suitable candidates. However, [Mr. HJ] informed me that [Mr. NR] rejected the offer to work as Chief of Unit, Procurement to remain in Bagdad as Chief Procurement Officer. I was notified by [name redacted, Ms. NJ], Chief Human Resource Officer, “Reference is made to your email inquiring on the status of [United Nations Assistance Mission in Afghanistan, “UNAMA”] subject job openings both RFR (#88314) and [Temporary Job Opening No. 92245, “TJO#92245”], please be advised that the mission will cancel RFR JO#88314, since [it] did not yield female rostered applicants.” In accordance with the United Nations Hiring Manual, “The Hiring Manager shall be aware that a job opening cannot be cancelled as long as there is one (1) suitable candidate on the recommended list. In this respect, reference is made to a judgement made in the [United Nations Dispute] Tribunal on cancellation of a vacancy announcement [...]: [*Verschuur* UNDT/2010/153].

2. On 14 February 2018, the Registry of the Dispute Tribunal in New York acknowledged receipt of the application, transmitted it to the Respondent according to art. 13 of the Rules of Procedure and, under the instructions of the assigned Judge, directed him to file a reply by 15 February 2018, at 5:00 p.m.

3. On 15 February 2018, the Respondent filed a reply on 15 February 2018, at 5:00 p.m.



which no female candidates have applied. Thank you and best regards.” I did not receive a reply to this email from Ms. NN.

... 31 January 2018: I filed a request for assistance to [the Office of Staff Legal Assistance, “OSLA”]. [Name redacted, Ms. EK]



evaluation,

d. The posting period for TJO#92245 expired on 5 February 2018 and, as per 15 February 2018, TJO#92245 was no longer available (a copy of the TJO was appended to the Respondent's reply).

13. At this point, both the decisions to cancel the JO#88314 and proceed with TJO#92245 have been executed and therefore also implemented. In conclusion, there is therefore no longer any decision for the Tribunal to suspend under art. 2.2 of its Statute.

14. The Tribunal, however, notes that the explanation for the cancellation provided by the Respondent in his reply would appear not to correspond to that which the Applicant was provided by UNAMA. If the Applicant was not provided with the correct reason, this is unfortunate as this could possibly have avoided the present case.

### **Conclusion**

15. As the contested decision has already been implemented, the application for suspension of action is rejected.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 16<sup>th</sup> day of February 2018