
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/100
Order No.: 177 (NY/2019)
Date: 16 December 2019
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

ESPINOZA MADRID

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON SUSPENSION PENDING THE
CONSIDERATION OF AN
APPLICATION FOR SUSPENSION OF
ACTION UNDER ART. 2.2 OF THE
TATUTE**

Counsel for Applicant:
Dorota Banaszewska, OSLA

Counsel for Respondent:
UNFPA

Introduction

1. On 16 December 2019, the Applicant, a staff member at the P-5 level with the United Nations Population Fund (UNFPA) in New York, filed an application requesting urgent relief under art. 2.2 o and art. 13 of its Rules of Procedure seeking to suspend, pending management evaluation, the decision to reassign her from New York to Panama to take up a position of a P-5 Regional Programme Adviser.

2. Together with the application for suspension of action, the Applicant also files a motion for suspension of the contested decision during the pendency of the Tribunal s consideration of this application (a so-called *Villamorán*-type request).

Consideration

3. Article 13.3 (Suspension of action during a management evaluation) of the Tribu application for interim measures within five working days of the service of the application

4. In *Villamorán* 2011-UNAT-160, the Appeals Tribunal upheld th *Villamorán* Order No. 171 (NY/2011) finding that the Dispute Tribunal was within its competence to order a suspension of the contested decision pending a determinat

6. In order for the Tribunal to seek and consider the Respondent's reply to the present suspension of action application,

IT IS ORDERED THAT:

7. Without prejudice to the decision on the application for suspension of action under art. 2.2 of its Statute and art. 13 of its Rules of Procedure, the Respondent shall not undertake, as from the date and time of service of the present Order, any further steps regarding the contested decision.

(Signed)

Judge Joelle Adda

Dated this 16th day of December 2019