





6. The Applicant defines the contested decisions as the decision to “declare him incapacitated and others”. However, a medical determination finding him incapacitated for further service in itself does not produce any direct legal consequences. It is only the decision to terminate his contract taken on the basis of a medical determination that produces direct legal consequences affecting his terms and conditions of appointment. The Tribunal also notes that the Applicant has requested a review of medical determination in accordance with ST/AI/2019/1 (Resolution of disputes relating to medical determination) and thus the contested medical determination is not final.

7. Accordingly, the Tribunal considers that the contested administrative decision subject to judicial review in this case is the decision to terminate his contract for health reasons.

8. However, while the Applicant requested a review of medical determination made by UNSPC, the record shows that he failed to request management evaluation of the decision to terminate his contract.

9. Since there is no pending management evaluation, the Tribunal concludes that the application for suspension of action is not receivable.

## **Conclusion**