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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/005

Order No.: 020 (NY/2023)

Date: 10 March 2023

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Isaac Endeley

GUTIERREZ RODRIGUEZ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON AN APPLICATION FOR  
SUSPENSION OF ACTION**

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**Counsel for Applicant:**  
Ana Giulia Stella, OSLA

**Counsel for Respondent:**  
Prue Smith, UN Women

## **Introduction**

1. On 7 March 2023, the Applicant, a staff member with UN Women, filed an application for suspension of implementation of the decision to not renew his fixed-term appointment beyond 15 March 2023 due to unsatisfactory performance.

2. On 9 March 2023, upon the order of the Tribunal, the Respondent filed his reply stating that the Applicant has failed to establish that the three requirements for suspension of action were met in this case.

## **Factual background**

3. On 15 March 2021, the Applicant joined UN Women in Bogota, Colombia as an Operations Manager, under a fixed-term appointment expiring on 15 March 2023.

4. On 27 April 2022, the Applicant and his supervisor met to discuss his 2021 performance

6. A decision was made to place the Applicant on a performance improvement plan  
2022 to 30 November 2022  
performance. The PIP was developed and agreed between the Applicant and his supervisor,  
and the Applicant signed the PIP, indicating his agreement to it.
  
7. On 20 December 2022, the Applicant received the PIP evaluation which indicated  
that he had not met the targets. On the same day



opportunity, as well as reason, to file it at a much earlier stage. Accordingly, the Applicant has not satisfied the requirement of particular urgency.

*Prima facie unlawfulness and irreparable harm*

17. As the Applicant has not satisfied the requirement of particular urgency, it is not necessary for the Tribunal to examine the two other conditions, namely *prima facie* unlawfulness and irreparable harm.

**Conclusion**

18. In light of the above, the Tribunal rejects the application for suspension of action.

*(Signed)*

Judge Joelle Adda

Dated this 10<sup>th</sup> day of March 2023