



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2009/144

Judgment No.: UNDT/2010/217

Date: 22 December 2010

Original: English

**Before:** Judge Ebrahim-Carstens

**Registry:** New York

**Registrar:** Santiago Villalpando

LEWIS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for applicant:**  
Duke Danquah, OSLA

**Counsel for respondent:**  
Jorge Ballesteros, UNICEF

## **Introduction**

1. On 29 December 2009 the Applicant filed a request for management evaluation and an application for a suspension of action on the decision not to renew her contract. On 31 December 2009 a suspension of action was granted by Judge Adams of the Dispute Tribunal, pending management evaluation. As nothing further has been filed with the Tribunal since this time, the case is to be closed.

## **Facts**

2. The Applicant was employed as a local officer on a twelve-month fixed-term contract with the United Nations Children's Fund ("UNICEF"), Jamaica. Her contract was due to expire on 31 December 2009. On 30 November 2009 the Applicant was informed in writing by the Representative of UNICEF Jamaica that her contract would not be renewed after its expiration on 31 December 2009.

3. On 29 December 2009 the Applicant filed a request for management evaluation and an application for suspension of action on what she alleged to be the decision not to renew her contract. In seeking a suspension of action, the Applicant alleged that her contract was not renewed for the reason that the Deputy Representative of UNICEF Jamaica, who was the Applicant's immediate supervisor and who the Applicant claimed had developed feelings of ill will against her, misled the Representative about the Applicant's performance.

4. On 31 December 2009 the Tribunal granted the suspension of action, concluding that, on balance, the criteria required for a suspension of action were satisfied and that it should be granted until the management evaluation was completed and notified to the Applicant. The Tribunal stated further that, if the management evaluation were to be adverse to the Applicant and she sought to contest the administrative decision, she could seek a further suspension under art. 14 of the Tribunal's Rules of Procedure, cautioning, however, that the Applicant should have no expectation that a further suspension would be granted.

5. Since 31 December 2009 neither substantive application nor application for suspension of action pursuant to art. 14 of the Tribunal's Rules of Procedure have been received by the New York Registry of the Dispute Tribunal. Neither has a request for an extension of time to file any application been made. As noted by this Tribunal in *Saab-Mekour* UNDT/2010/047 and *Monagas* UNDT/2010/074, an applicant must continue to have a legitimate interest in the maintenance of his or her proceedings. As this is no longer the case in this matter, the proceedings shall be closed.

### **Conclusion**

6. On the basis of the matters set out herein, including that there has been no filing since the granting of the suspension of action, there is no longer any matter for adjudication by the Dispute Tribunal and the case is closed.

*(Signed)*

Judge Ebrahim-Carstens

Dated this 22<sup>nd</sup> day of December 2010

Entered in the Register on this 22<sup>nd</sup> day of December 2010

*(Signed)*

Santiago Villalpando, Registrar, UNDT, New York