



Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

BONGO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
AAS/ALD/OHR

Introduction

1. The Applicant was a Field Operation Manager at the NOB/4 level working with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in Mbandaka.¹

2. By an application filed on 28 June 2019, which was registered under Case No. UNDT/NBI/2019/095, he contests the decision by MONUSCO to “abolish his post by budget cut”.²

Facts

3. On 2 April 2019, the Applicant received notice from the MONUSCO Chief Human Resources Officer (CHRO) informing him of the non-extension of his fixed-term appointment (FTA) due to the abolition of his post in line with the proposed budget of MONUSCO for the period 1 July 2019 to 30 June 2020.³

4. On 29 May 2019, the Applicant received a second letter from the MONUSCO CHRO informing him that his FTA would not be extended beyond 30 June 2019.⁴ Additionally, the Applicant was informed that the Human Resources Section would commence his check-out process.⁵

5. The Applicant did not request management evaluation of the contested administrative decision.

Applicant's submissions

6. The Applicant contends that the decision to abolish his position was taken before the 2019-2020 MONUSCO budget was voted or approved by the UN General

¹ Application, section I

² Application, section V

³ Application, Annex 2

⁴ Application, Annex 3

⁵ *ibid*

Assembly. The Applicant also submits that the process of abolishing his post was not clear and was not explained to him.⁶

Considerations

7. Pursuant to art. 8.1(c) of the Statute of the United Nations Dispute Tribunal, an application shall be receivable if “an applicant has previously submitted the contested administrative decision for management evaluation, where required.”

8. A request for management evaluation is a *sine qua non* for bringing an application except in cases of where the advice was obtained from technical bodies, as determined by the Secretary-General, or of a decision taken at Headquarters in New York to impose a disciplinary or non-disciplinary measure.⁷

9. In the present case, the Applicant was required to seek management evaluation before bringing his application to the Tribunal. This he did not do.

10. The failure to first seek management evaluation before approaching the Tribunal is fatal to the Applicant’s case.

JUDGMENT

11. The Application is not receivable.

(Signed)

Judge Nkemdilim Izuako

Dated this 4th day of July 2019

⁶ Application, section VIII

⁷ ST/SGB/2018/1, rule 11.2(b).

Entered in the Register on this 4th day of July 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi