



**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

HANDY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON RECEIVABILITY**

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**Counsel for the Applicant:**

Natalie Puchalka, OSLA

**Counsel for the Respondent:**

Nicole Wynn, AAS/ALD/OHR

Rosangela Adamo, AAS/ALD/OHR

## **FACTS AND PROCEDURE**

1. The Applicant is a Political Affairs Officer at the P-4 level, working with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).<sup>1</sup> On 6 February 2019, he was notified by MINUSCA of the decision to permanently withdraw his driver's permit with immediate effect due to various curfew violations.<sup>2</sup> On 5 April 2019, the Applicant requested management evaluation of the contested decision<sup>3</sup> and, on 16 August 2019, he filed an application with the United Nations Dispute Tribunal.<sup>4</sup>

2. On 17 September 2019, the parties filed a joint motion informing the Tribunal that in the context of the management evaluation process, they were engaged in good faith discussions with a view to informally resolving the matter; accordingly, they requested suspension of proceedings.

3. By Order No. 143 (NBI/2019), the Tribunal granted the parties' motion and suspended the proceedings until 4 October 2019.

4. The Respondent filed a reply on 4 October 2019 where it is argued that the application is not receivable *ratione materiae*. The Respondent documented that on 26 September 2019, the Management Evaluation Unit decided to rescind the permanent withdrawal of the Applicant's driver's permit.<sup>5</sup> The Respondent submits that the Applicant has been granted the relief that he requested and thus the application has become moot and should be dismissed.

## **CONSIDERATION**

5. In *Gehr*, this Tribunal held, as was subsequently confirmed by the United Nations Appeals Tribunal (UNAT), that in cases where the administration rescinds the contested decision during the proceedings, the applicant's allegations may be moot

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<sup>1</sup> Application, section I.

<sup>2</sup> Application, Annex 3.

<sup>3</sup> Application, Annex 4.

<sup>4</sup> Application, section III.

<sup>5</sup> Reply, Annex 5.

unless the applicant can prove that he or she still sustains an injury for which the Tribunal can award relief.<sup>6</sup> This was more recently confirmed by UNAT in *Kallon*.<sup>7</sup>

6. In the present case, the Applicant had requested the Tribunal to order a rescission of the decision to permanently withdraw his MINUSCA driver's permit. This request has been satisfied by the Administration. The relief having been fully granted, there is no longer a justiciable matter before the Tribunal, rendering the application moot.

## **JUDGMENT**

7. The application is dismissed as irreceivable.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 16<sup>th</sup> day of October 2019

Entered in the Register on this 16<sup>th</sup> day of October 2019

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi

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<sup>6</sup> *Gehr* UNDT/2011/211, confirmed by 2013-UNAT-328; see also *Lahoud* UNDT-2017-009.

<sup>7</sup> *Kallon* 2017-UNAT-742 para. 44.