



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

REN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Sandra Baffoe-Bonnie, UNEP
Wambui Kahama-Bernard, UNEP

Introduction

1. The Applicant serves as an Environmental Affairs Officer at the United Nations Environment Programme (“UNEP”) in Nairobi, Kenya. She holds a fixed-term appointment at the P4 level.

Procedural History

2. On 17 November 2025, the Applicant filed an application for suspension of action (SOA) to stay the Respondent’s decision to terminate her appointment effective 28 November 2025 following a comparative review process. The Management Advice and Evaluation Section (“MAES”) suspended implementation of that decision pending completion of their review, which the Applicant should expect to receive by 18 December 2025. Thus, her SOA application with the Tribunal was dismissed as moot.

3. On 8 December 2025, the Applicant filed a substantive application with the Tribunal challenging the termination decision. The substantive application included a motion for interim measures pending proceedings seeking further suspension of the impugned decision until the matter is determined on its merits, pursuant to art. 10.2 of the UNDT Statute.

Considerations

4. The Applicant is premature in filing her merits application with the Dispute Tribunal.

5. The Appeals Tribunal has held that “[m]anagement evaluation is to afford the Administration the opportunity to correct any errors in an administrative decision so that judicial review of the administrative decision is not necessary.” *Pirnea* 2013 -UNAT-311, para. 42; *Neault* 2013-UNAT-345, para. 33; *Applicant* 2013-UNAT- 381, para. 37; *Nagayoshi* 2015-UNAT-498, para. 36; *Faust* 2016- UNAT-695, para. 40.

6. By filing her application before MAES has had the opportunity to review her request to them, the Applicant is circumventing the management evaluation process

and denying that process the opportunity to correct any errors and make judicial review unnecessary. Thus, the premature application is not receivable and must be dismissed. *Namoro*, UNDT/2023/023 (not appealed), para. 7; *Steinbach* UNDT/2018/034, para 47; *Omwanda* UNDT/2016/098/Corr.1 at paras. 24-25.

7. Additionally, a motion for interim measures is dependent upon there being a viable application pending. “[I]t is an indispensable prerequisite of an interim measure under art. 10.2 of UNDT Statute and art. 14 of RoP [UNDT Rules of Procedure] that judicial proceedings have already been started, in other words that the case is already before Dispute Tribunal.” *Corcoran* UNDT/2009/071, para. 35. Thus, with the dismissal of the application on the merits, the Tribunal must also dismiss the interim measures motion.

8. Given that the Applicant is self-represented, the Tribunal notes that the Applicant will still have an opportunity to seek judicial review before the Tribunal once the time for the Administration to provide management evaluation has expired. In other words, the Applicant can re-file her application on the merits within the 90 days following 18 December 2025.

9. However, the Applicant should take note that under art. 10.2 of the UNDT Statute, the Tribunal may not suspend the implementation of the contested administrative decision in cases of termination. *Id.*

ORDER

10. The application is DISMISSED as premature and not receivable, and the motion for interim measures pending proceedings is dismissed as well.

(Signed)

Judge Sean Wallace

Dated this 10th day of December 2025

Entered in the Register on this 10th day of December 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi