



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

CHERNEVA

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:**

Self-represented

**Counsel for Respondent:**

UNICEF

## **Introduction**

1. By application for suspension of action filed on 4 December 2017, the Applicant requests the Tribunal to suspend the decision of 17 October 2017 to place her on special leave without pay (“SLWOP”), “while [she] prepare[s] a request for management evaluation to be filed with UNICEF’s Executive Director within the 60-day limit”.

## **Consideration**

2. Article 8.1(c) of the Tribunals Statute states that an application shall be receivable if “[a]n applicant has previously submitted the contested administrative decision for management evaluation, where required”.

3. Article 2.2 of Tribunal’s Statute and art. 13 of its Rules of Procedure provide that the Tribunal can suspend the implementation of a contested administrative decision, during the pendency of management evaluation, where the decision appears *prima facie* to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage to the Applicant. All of these requirements must be met in order for a suspension of action to be granted.

4. The Tribunal considers that, for an application for suspension of action to be successful, it must satisfy the following mandatory and cumulative conditions:

- a. The application concerns an administrative decision that may properly be suspended by the Tribunal;
- b. The Applicant requested management evaluation of the contested decision and such evaluation is ongoing;
- c. The contested decision has not yet been implemented;
- d. The contested decision appears *prima facie* to be unlawful;

e. Implementation of the contested decision would cause irreparable damage; and

f. The case is of particular urgency.

5. The Applicant noted in her application that she did not request management evaluation; in fact, she asks the Tribunal to suspend the decision while she is preparing the request for management evaluation. It results from the above provisions that the Tribunal is not competent to suspend an administrative decision before a request for management evaluation has been filed.

**Conclusion**

6. In view of the foregoing, the application for suspension of action is rejected.

*(Signed)*

Judge Teresa Bravo

Dated this 5<sup>th</sup> day of December 2017

Entered in the Register on this 5<sup>th</sup> day of December 2017

*(Signed)*

René M. Vargas M., Registrar, Geneva