



Before: Judge Rowan Downing

Registry: Geneva

Registrar: René M. Vargas M.

ANDELIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION
FOR SUSPENSION OF ACTION
PENDING MANAGEMENT
EVALUATION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

ALS/OHRM

Introduction

1. By application for suspension of action filed on 17 December 2017, the Applicant requests the Tribunal to suspend the decision of the same day not to extend her fixed-term appointment at the United Nations Assistance Mission in Afghanistan beyond 31 December 2017.

Consideration

2. Article 8.1(c) of the Tribunal's 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. 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. This is without prejudice to the Applicant filing a new request for suspension of action once she has filed a request for management evaluation.

Conclusion

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

(Signed)

Judge Rowan Downing

Dated this 18th day of December 2017

Entered in the Register on this 18th day of December 2017

(Signed)

René M. Vargas M., Registrar, Geneva