



**Before:** Judge Rowan Downing

**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 PENDING  
MANAGEMENT EVALUATION**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Bart Willemsen, UNICEF

## **Introduction**

1. By application filed on 14 April 2018, the Applicant requests suspension of action, pending management evaluation, of:
  - a. the decision to abolish the position of Chief, National Committees Relations and to transform it into the position of Chief, Advocacy, Private Sector and National Committee; and
  - b. the abolition and transformation of the posts of several other staff members in 2018, and of improper administrative decisions taken in relation to recruitment, shortlisting, non-selection, termination, non-extension of contracts, etc.

## **Consideration**

2. The Appeals Tribunal has held that the key characteristic of an administrative decision subject to judicial review is that it must produce direct legal consequences affecting a staff member's terms and conditions of appointment. That is to say, the administrative decision must have a direct impact on the terms of appointment or contract of employment of the individual staff member who is the Applicant to the Tribunal (cf. *Lee* 2014-UNAT-481; cf. also Judgment No. 1157 *Andronov* (2003) of the former Administrative Tribunal of the United Nations).
3. To have legal standing, an Applicant must have a direct interest in the administrative decision and his or her rights and terms of employment have to be affected by it (see *Pellet* 2010-UNAT-073; *Faye* 2016-UNAT-657; *Iskandar* 2011-UNAT-116).
4. The Appeals Tribunal further ruled in *Selim* 2015-UNAT-581 that:

[A] statutory burden is placed upon an applicant to establish that the administrative decision in issue was in non-compliance with the terms of his appointment or his contract of employment. Such a burden cannot be met where the applicant fails to identify an administrative decision capable of being reviewed.

5. The Applicant refers to the decision to abolish and transfer a position that she is not encumbering, as well as to numerous other, undefined, decisions affecting other staff members. While the Applicant failed to clearly identify all the decisions she is contesting, it is apparent that none of the decisions affect her terms of employment.

6. Since the Applicant has no legal standing to challenge any of the above decisions, her application for suspension of action is not receivable.

7. The Tribunal also recalls that receivability of the application is a matter of law, which can be assessed without serving it to the Respondent (cf. *Gehr* 2013-UNAT-313, and *Christensen* 2013-UNAT-335).

### **Conclusion**

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

*(Signed)*

Judge Rowan Downing

Dated this 17<sup>th</sup> day of April 2018

Entered in the Register on this 17<sup>th</sup> day of April 2018

*(Signed)*

René M. Vargas M., Registrar, Geneva