



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

SMUCKER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Marisa MacLennan, OSLA

Counsel for Respondent:

Alistair Cumming, ALS/OHRM, UN Secretariat

Introduction

1. By application filed on 24 April 2018, the Applicant, who currently serves as Spokesperson (P-5) with the United Nations Assistance Mission in Afghanistan (“UNAMA”), requests suspension of action, pending management evaluation, of the decision to reclassify his post, its “implied abolishment” and the “implied non-renewal” of his contract.

2. The application was served to the Respondent, who filed his reply on 27 April 2018.

Consideration

3. In his reply, the Respondent advised the Tribunal that “UNAMA has agreed to maintain the *status quo* during management evaluation” and, therefore, that “[n]o action will be taken in respect of the implementation of the reclassification decision, including the selection exercise for Job Opening 18-PUB-UNAMA-96028-F-KABUL (M)” arising from it.

4. Also, the Respondent confirmed that “[t]here has been no decision to abolish the post that the Applicant encumbers” and that “there has been no decision, implied or otherwise, not to renew the Applicant’s appointment” whose contract is due to expire on 30 June 2018.

5. It follows from the above, that the request for suspension of action has become moot, and that the Tribunal does not need to examine if the three statutory requirements specified in art. 2.2 of its Statute and art. 13.1 of its Rules of procedure, namely *prima facie* unlawfulness, urgency and irreparable damage are met in the case at hand.

Conclusion

6. In view of the foregoing, the Tribunal DECIDES that the present application for suspension of action is moot and, consequently, there is nothing further for the Tribunal to adjudicate.

(Signed)

Judge Teresa Bravo

Dated this 1st day of May 2018

Entered in the Register on this 1st day of May 2018

(Signed)

René M. Vargas M., Registrar, Geneva