



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/081
Order No.: 126 (GVA/2025)
Date: 13 November 2025
Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

PEREIRA CARNEIRO

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:

Chenayi Mutuma, UNHCR
Marietta Hristovski, UNHCR

Introduction

1. By application filed on 4 November 2025, and completed on 7 November 2025, the Applicant, a staff member of the United Nations High Commissioner for Refugees (“UNHCR”), requests suspension of action, pending management evaluation, of the decision to terminate his indefinite appointment or place him on Special Leave Without Pay (“SLWOP”) effective 10 November 2025.

2. On 7 November 2025, the application for suspension of action was served on the Respondent, who filed his reply on 11 November 2025. In his service notification, the Respondent was instructed to refrain, for as long as the suspension of action procedure before the Dispute Tribunal is ongoing, from taking any further decision or action relating to the decision that the Applicant seeks to suspend.

Facts

3. The Applicant is a staff member at UNHCR since 1 March 2004. In the context of the One-Time Review for the Granting of Indefinite Appointments, his appointment was converted to an Indefinite Appointment without undertaking effective 30 June 2009 (the “indefinite appointment”). The Applicant served at various duty stations, until his last regular assignment ended on 31 December 2023. Following this, effective 1 January 2024, he was converted to Staff in Between Assignments (“SIBA”) status but continued to perform temporary functions until 25 January 2024.

4. By memorandum dated 15 January 2024 entitled “Information and Administrative Details in Relation to the End of Your Assignment” (hereinafter, “the SIBA Memorandum”), the Applicant was informed that should he not secure another assignment (regular or short term), he would be placed on Special Leave with Full Pay (“SLWFP”). He was notified that the SLWFP would last for 195 days, and that at the end of this period, should he not be reassigned, his Indefinite Appointment would be terminated. He was also informed, in sum that, at the end of his period of SLWFP, the implementation of the decision to terminate his indefinite Appointment could be stayed, at his option, should he request to be placed on

SLWOP. SLWOP would continue until he was either reassigned to a new position or separated from the Organization.

5. The Applicant was placed on SLWFP on 26 January 2024.

6. Between 9 September 2024 and 30 June 2025, the Applicant served in a temporary assignment. His SLWFP was, thus, suspended.

7. On 23 June 2025, the Administration emailed the Applicant in anticipation of the end of the Applicant's temporary assignment. He was informed that, as stated in the SIBA Memorandum of 15 January 2024, he would be placed back on SLWFP status effective 1 July 2025, until he exhausted any remaining portion of his paid entitlement.

8. By letter dated 16 July 2025, sent under cover of an email of 17 July 2025, entitled Notice of End of Special Leave with Full Pay, the Director of Human Resources, informed the Applicant that he would exhaust the entirety of his SLWFP entitlement effective 17 September 2025. He was informed that his Indefinite Appointment would be terminated effective 18 September 2025, unless he elected to request SLWOP, offered by the Organization on a subsidized basis.

9. By email dated 18 August 2025, a Personnel Administrative Associate informed the Applicant that, as a holder of an indefinite contract without undertaking, he would not automatically be placed on subsidized SLWOP effective 18 September 2025, unless he submitted a request that had to be approved. He was also informed that he could elect to utilize his accrued annual leave to extend his SLWFP.

10. After a follow-up email, the Applicant informed the Administration on 26 August 2025 that he would utilize his entire annual leave balance to extend his SLWFP. On the same day, the Applicant received confirmation that his remaining 38 days of accrued annual leave would be recorded as utilized from 18 September 2025 to 10 November 2025.

11. After another follow-up email from the Administration, the Applicant requested SLWOP on 13 October 2025.

12. On 31 October 2025, the Applicant submitted a management evaluation request contesting the decision to terminate his indefinite appointment at the expiration of his SLWFP entitlement, and the decision to place him on SLWOP.

13. On 4 November 2025, the Applicant filed the instant application, which was completed on 7 November 2025 asking for a Suspension of Action Pending Management Evaluation, stating, *inter alia*, that he would have his appointment terminated on 10 November 2025.

14. On 7 November 2025, the Applicant was informed that his request for SLWOP was approved, and that he would be placed on nine months' subsidized SLWOP from 11 November 2025 to 10 August 2026.

15. On 11 November 2025, the Respondent filed his reply, contesting, *inter alia*, the receivability of the application.

Consideration

16. Art. 2.2 of the Tribunal's Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. These three requirements are cumulative. In other words, all of these conditions must be met in order for a suspension of action to be granted. Furthermore, the burden of proof rests on the Applicant.

17. In the present case, the Applicant seeks the suspension of the implementation of a decision that would either terminate his indefinite appointment effective 10 November 2025 or place him on SLWOP as of the same date.

18. The Tribunal finds that the application for suspension of action pending management evaluation is not receivable for several reasons.

19. First, the UNHCR Deputy High Commissioner issued a response to the Applicant's request for management evaluation on 11 November 2025. Although the request was pending when the Applicant filed the current application, the management evaluation has been completed in the meantime. The absence of a pending management evaluation renders the application not receivable under Article 2.2 of the Tribunal's Statute.

20. Second, there is no contested administrative decision effective 10 November 2025 and, therefore, nothing to suspend. The Applicant was informed of the conditions of his SLWFP entitlements in a SIBA Memorandum dated 15 January 2024. He was reminded by email on 17 July 2025 that these entitlements would expire on 17 September 2025. He was subsequently offered the option to extend his SLWFP by utilizing accrued annual leave, which he accepted.

21. Accordingly, the Applicant has been aware since 15 January 2024 at the earliest, and 17 July 2025 at the latest, that his indefinite appointment would be terminated upon exhaustion of his SLWFP entitlement. He was also given the option to request placement on SLWOP, which he exercised, and which was approved.

22. The decision the Applicant seeks to suspend, allegedly to be implemented on 10 November 2025, is merely the effective date of his own request for placement on SLWOP. There is no administrative decision in this regard. There is, therefore, no imminent termination of his indefinite appointment or separation from service.

23. Indeed, if the Applicant had doubts about the calculation of his SLWFP entitlements, he should have challenged the decision communicated in the email of 17 July 2025, which informed him of the end date of his entitlements. Instead, the Applicant filed an application against a decision dated 17 September 2025, which does not exist, and against an imminent termination of his indefinite appointment, which equally does not exist.

24. It follows that the application for suspension of action is not receivable.

Conclusion

25. In view of the foregoing, the application for suspension of action pending management evaluation is rejected.

(Signed)

Judge Sun Xiangzhuang

Dated this 13th day of November 2025

Entered in the Register on this 13th day of November 2025

(Signed)

Liliana López Bello, Registrar, Geneva