



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2018/094  
Order No.: 007 (NBI/2020)  
Date: 15 January 2020  
Original: English

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**Before:** Judge Rachel Sophie Sikwese

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

DANYLENKO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
Nicole Wynn, AAS/ALD/OHR  
Nusrat Chagtai, AAS/ALD/OHR

## **Background**

1. On 15 September 2018, the Applicant, a former FS-5 Movement Control Section (MOVCON) Assistant with the United Nations Mission in Liberia (UNMIL), filed an application before the Dispute Tribunal. The Applicant describes the contested decision as “not obtaining” Field Central Review Board (FCRB) clearance for the position of FS-6 MOVCON Officer during two rostering exercises: Generic Job Opening (GJO) No. 425940 in 2013/2014 and GJO No. 76109 in 2017/2018.

2. The Respondent filed a reply on 18 October 2018 arguing, *inter alia*, that with respect to the decision on GJO 425940, the Application is not receivable because the Applicant did not timely request management evaluation as required by staff rule 11.2(c).

3. On 14 February 2019, the Tribunal issued Order No. 019 (NBI/2019) requiring the Applicant to provide a response solely to the issue of receivability raised in the reply. The Applicant filed the response on 25 February 2019.

4. In his reply the Applicant argues that he did not receive notification for the decision regarding GJO 425940 until 2018.

## **Considerations**

5. The Tribunal has considered the application which contains two claims and more specifically the Tribunal has made preliminary findings on the first claim regarding GJO 425940 which findings dispose of that claim entirely.

6. The claim on GJO 425940 is not receivable because the Applicant did not comply with the requirements on timely lodging of the complaint before the Management Evaluation Unit (MEU). His reason for not complying with the requirement, to wit, that he was not notified of the decision is without valid legal basis.

7. The Tribunal shall proceed to consider the merits of the application only on the claim pertaining to GJP 76109. The ensuing judgment shall also provide in detail the reasons for the finding that the claim for GJO 425940 is not receivable.

**ORDER**

- a. The application shall be decided on the papers and therefore the parties, if they wish to, shall file further and final submissions in relation to the contested decision regarding GJO No. 76109 by 14 February 2020.
- b. The Applicant is strongly encouraged to seek legal assistance in drafting his final submissions so that his factual allegations are aligned to relevant applicable law and jurisprudence.

*(Signed)*

Judge Rachel Sophie Sikwese

Dated this 15<sup>th</sup> day of January 2020

Entered in the Register on this 15<sup>th</sup> day of January 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi