



Before: Judge Francis Belle
Registry: Nairobi
Registrar: Abena Kwakye-Berko

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Dorota Banaszewska, OSLA

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR
Rosangela Adamo, AAS/ALD/OHR

Introduction

1. The Applicant serves on a fixed term appointment and is on loan from a peacekeeping mission to the Department of Peace Operation (“DPO”) in New York.

The application

2. On 31 July 2020, the Applicant filed an application for suspension of action before the United Nations Dispute Tribunal in Nairobi for a stay against the Respondent’s decision to terminate her service with the Organization as of 31 July 2020. The Applicant argues that the impugned decision violates section 4.9 of ST/AI/2013/1 (Administration of Fixed Term Appointments) and section 3.9 of ST/AI/2005/3 (Sick Leave). She also moved the Tribunal to have her identity anonymized to protect her personal and professional reputation.

3. The Respondent filed his reply on 6 August 2020. The Respondent submits that the application is misconceived, in that there is no decision to terminate the Applicant’s appointment on 31 July 2020. Her contract with the Organization has been extended through to 31 August 2020.

Considerations

4. Absent submissions from the Applicant to the contrary, the Tribunal finds that the Respondent’s decision to extend the Applicant’s appointment through to the end of August results in there being no cause for the injunction being sought.

5. The application for suspension of action is therefore dismissed in its entirety.

Case No.: UNDT/NBI/2020/059

Order No.: 148 (NBI/2020)

(Signed)

Judge Francis Belle

Dated this 7th day of August 2020

Entered in the Register on this 7th day of August 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi