



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

OTTO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Kong Leong Toh, UNOPS

Introduction

1. The Applicant is an Operations/Quality Assurance (“OPS/QA”) Officer working with the United Nations Office for Project Services (“UNOPS”) in Abyei.¹
2. By an application filed on 26 May 2021, the Applicant requests suspension of action, pending management evaluation, of a decision to terminate his appointment dated 21 January 2021, effective 30 June 2021, as well as a decision dated 6 May 2021 not to select him for a new position of OPS/QA.²
3. The application for suspension of action was served on the Respondent, who filed his reply on 27 January 2021.

Consideration

4. The application for suspension of the non-extension decision is not receivable. The impugned decision was received on 21 January 2021, whereas the Applicant filed a request for management evaluation only on 11 May 2021, that is, after the expiry of the deadline to contest the decision in accordance with art. 8.1(a)(i) of the UNDT Statute.
5. Moreover, the Respondent advises the Tribunal that he has decided to voluntarily suspend implementation of the contested decision pending management evaluation.
6. It follows from the above, that also the request for suspension of the non-selection decision has become moot and not receivable.

ORDER

7. In view of the foregoing, the application is rejected as not receivable.

¹ Application, section I.

² Application, section VII.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 31st day of May 2021

Entered in the Register on this 31st day of May 2021

(Signed)

Eric Muli, Legal Officer, for,
Abena Kwakye-Berko, Registrar, Nairobi