



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ONYANGO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Jason Biafore, OSLA

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Maureen Munyolo, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a Finance and Budget Assistant at G-6 level, working with the United Nations Independent Investigative Mechanism for Myanmar (“IIMM”). She serves on a temporary appointment. Prior to joining the IIMM on 1 February 2022, she was working with the United Nations Regional Service Centre Entebbe (“RSCE”), based in Entebbe, Uganda as a Finance and Budget Assistant at FS-5 level. At RSCE, she serves on a continuing appointment.¹

2. On 28 February 2022, she filed an application for suspension of action before the United Nations Dispute Tribunal in Nairobi. She seeks to suspend the RSCE decision to retroactively separate her following her return from the Special Leave Without Pay (“SLWOP”) and not affording her preferential treatment as a continuing appointment holder.²

3. The application for the suspension of action was served on the Respondent on 28 February 2022, who filed his reply on 1 March 2022.

Considerations

4. Under art. 2.2 of the Dispute Tribunal’s Statute, a preliminary condition for suspension of action is the existence of a reviewable administrative decision directly affecting staff member’s terms of appointment.

5. In the present case, the Respondent advises the Tribunal that no notification of termination of continuing appointment has been issued and no action will be taken in relation to the separation until the Applicant obtains a response to the management evaluation request submitted on 25 February 2022.

6. It follows, from the above, that the application for suspension of action pending management evaluation before this Tribunal has become moot.

¹ Application, section V, para. 1.

² Application, section II.

ORDER

7. The application is rejected as not receivable.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 3rd day of March 2022

Entered in the Register on this 3rd day of March 2022

(Signed)

Eric Muli, Legal Officer, for

Abena Kwakye-Berko, Registrar, Nairobi