



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

SULEMANI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Mbili Bunjuki

Counsel for Respondent:

Nicole Wynn, ALD/OHR, UN Secretariat

Rosangela Adamo, ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former staff member with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”), contests the Administration’s decision not to renew his fixed-term appointment beyond 30 June 2018 as a result of downsizing. The application was initially filed with the Nairobi Registry on 12 September 2018.

2. On 16 November 2018, the case was transferred to the New York Registry, and on 20 January 2020, it was assigned to the undersigned Judge.

Considerations

3. Pursuant to art. 8.1 of its Statute, the Dispute Tribunal has jurisdiction to consider applications appealing an administrative decision only when a staff member has previously submitted the contested decision for management evaluation. As the Appeals Tribunal held in *Aliko* 2015-UNAT-540, at para. 38, the Dispute Tribunal has no competence to address the allegations not raised in the management evaluation request.

4. The Tribunal notes that in the application, the Applicant contests the non-renewal decision on the sole ground that while he was entitled to a three-month notice, he received only a one-month notice prior to the expiration of his fixed-term appointment. However, the management evaluation decision dated 31 July 2018 makes no reference to a question as to whether he was entitled to a three-month notice and instead discusses only whether a downsizing exercise, which resulted in the contested decision, was conducted properly in compliance with the applicable rules and regulations.

5. The Tribunal notes that the Applicant lists a request for management evaluation dated 16 July 2018 as Annex 3 in the application but cannot find a copy of his request for management evaluation in the case file.

6. In light of the above,

IT IS ORDERED THAT:

7. By **4:00 p.m. on Friday, 24 January 2020**, the Respondent is to file a copy of the Applicant's request for management evaluation of 16 July 2018.

(Signed)

Judge Joelle Adda

Dated this 20th day of January 2020