



Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

WEJULI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON AN APPLICATION FOR
SUSPENSION OF ACTION

Counsel for Applicant:
Self-represented

Counsel for Respondent:
ALD/OHR, UN Secretariat

Introduction

1. On 28 July 2020 at 9:55 p.m., the Applicant, an “eTA Project Manager” with United Nations Department of Safety and Security (“UNDSS”) in New York, filed an application under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to urgently suspend, pending management evaluation, “the decision of the Administration to terminate my continuing appointment following, firstly, abolition of my post with [“the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo or MONUSCO”], expiration of my temporary assignment as well as both the Management Evaluation Unit and Ethic Office not finding that I will suffer the consequences with regard to my career and livelihood”.

2. Together with the application for suspension of action, the Applicant also filed a motion for suspension of the contested decision during the pendency of the Tribunal’s consideration of this application (a so-called Villamoran-type request).

3. Upon the inquiry of the Registry, the Applicant confirmed in an email of 29 July 2020 that two other assumingly identical applications, which he had filed via regular email and the eFiling portal, respectively, on 28 July 2020, were duplicates of the present application. The undersigned Judge therefore instructed the Registry not to process any of these applications and remove them from the Dispute Tribunal’s docket.

Consideration

4. Under art. 2.2 of the Dispute Tribunal’s Statute and art. 13.1 of the Rules of Procedure, the Tribunal may suspend the implementation of a contested administrative decision during the pendency of management evaluation. For an

application for suspension of action to be receivable, a response to a request for management evaluation must therefore be pending.

5. The Tribunal notes that by Order No. 109 (NY/2020) dated 30 June 2020, another case of the Applicant regarding suspension of action of the decision to terminate his continuing appointment (Case No. UNDT/NY/2020/026) was closed following the Applicant's withdrawal of the relevant application. In Order No. 109 (NY/2020), the Tribunal indicated that in the Applicant's notice of withdrawal, he had informed that "the Secretary-General subsequent to receiving his request for management evaluation of 26 June 2020 had granted his request for a suspension of action pending this management evaluation".

6. To the Applicant's present application for suspension of action, he now appends a response from the Management Evaluation Unit ("MEU") dated 24 July 2020 in relation to his "correspondence dated 26 June 2020, concerning the decision of [the UNDSS] to terminate your continuing appointment effective 30 June 2020, and the decision not to select you for the Temporary Job Opening (TJO) 136758, Programme Management Officer, P-4".

7. In the MEU's response is further stated that "[f]ollowing a preliminary review of your submissions, the MEU has determined that your case is not receivable, as it is time-barred in relation to your challenge to the termination of your appointment, and is premature in relation to your non-selection for TJO 136758, Programme Management Officer, P-4".

8. The Tribunal therefore concludes that no management evaluation is any longer pending regarding any decision, which the Applicant challenges in the present application for suspension of action.

Conclusion

9. The application for suspension of action is rejected as not receivable.

(Signed)

Judge Joelle Adda

Dated this 29th day of July 2020