



Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

SCEPANOVIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF ACTION

Counsel for Applicant:

Manuel Calzada

Counsel for Respondent:

Kathleen Welshman, AS/ALD/OHR, UN Secretariat

Introduction

1. On 24 April 2024, the Applicant, an Air Operations Assistant with the United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”), filed an application before the Dispute Tribunal seeking the suspension during the pendency of management evaluation of the decision to “separate the Applicant, contrary to the provisions of ST/AI/1999/16 on Termination of appointments for reasons of health and pursuant to ST/AI/2019/1 on the Resolution of disputes related to medical determination”.

2. By email of 25 April 2024, the Tribunal acknowledged receipt of the application and served it on the Respondent, instructing him to file a reply on 29 April 2024. The Tribunal further ordered that the implementation of the contested decision should be suspended during the pendency of the current proceedings for suspension of action in accordance with the Appeals Tribunal in *Villamorán* 2011-UNAT-160 in which it upheld the Dispute Tribunal’s *Villamorán* Order No. 171 (NY/2011).

3. On 29 April 2024, the Respondent duly filed his reply in which he, *inter alia*, states that (references to footnotes omitted),

... The Application is moot and not receivable *ratione materiae*. Without any admission of liability, MINUSMA has voluntarily suspended the implementation of the contested decision pending management evaluation. Since the Applicant has been provided with the relief sought, there is no justiciable matter before the Tribunal and the Application is rendered moot.

Consideration

4. In accordance with art. 2.2 of the Dispute Tribunal’s Statute, and as also reflected in art. 13 of its Rules of Procedure, the Dispute Tribunal “shall be competent to hear and pass judgement on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management

evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation”.

5. As the Respondent informs that the Administration has now decided to suspend the contested termination decision during the pendency of the management evaluation process, the purpose of the present application for suspension of action has been rendered moot. The application is therefore to be rejected.

IT IS ORDERED THAT:

6. The application is rejected.

(Signed)

Judge Joelle Adda

Dated this 29th day of April 2024

Entered in the Register on this 29th day of April 2024

(Signed)

Isaac Endeley, Registrar, New York