



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

MOMO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Sètondji Roland Adjovi, Etudes Vihodé

Counsel for Respondent:

Jenny Kim, UNOPS

Introduction

1. By application filed on 4 July 2022, the Applicant, a staff member of United Nations Office for Project Services (“UNOPS”), requests suspension of action, pending management evaluation, of the decision to make a change to his already finalized 2021 performance appraisal without his consent and that of his first reporting officer.
2. On 5 July 2022, the application for suspension of action was served on the Respondent who was instructed to file his reply by 7 July 2022.
3. On 7 July 2022, the Respondent filed his reply.

Consideration

4. Art. 2.2 of the Tribunal’s Statute provides in its relevant part that:

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, where the decision appears *prima facie* to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage.

5. In his reply, the Respondent informs the Tribunal that he voluntarily suspended the implementation of the contested decision pending management evaluation because he was “not able to ascertain the facts of this case” by the prescribed deadline.
6. Accordingly, the Applicant’s request for suspension of the implementation of the contested administrative decision has become moot. It follows that it is not necessary for the Tribunal to examine if the three statutory requirements specified in art. 2.2 of its Statute, namely *prima facie* unlawfulness, urgency and irreparable damage are met in the case at hand.

Conclusion

7. In view of the foregoing, the present application for suspension of action is moot and there is no need to further decide on the Applicant's request.

(Signed)

Judge Teresa Bravo

Dated this 8th day of July 2022

Entered in the Register on this 8th day of July 2022

(Signed)

René M. Vargas M., Registrar, Geneva