



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/031

Order No.: 67 (GVA/2025)

Date: 17 June 2025

Original: English

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**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** Liliana López Bello

SUAREZ LISTE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Jérôme Blanchard, HRLU, UNOG

## **Introduction**

1. By application filed on 6 June 2025, the Applicant, a staff member of the Division of Conference Management, United Nations Office at Geneva (“UNOG”), requests suspension of action, pending management evaluation, of the decision not to pay his salary in full since February 2025 and to remit part of the amount withheld to his former spouse. He also contends that the salary advances that he has received are allegedly “below the minimum subsistence” amount.

2. The application for suspension of action was served on the Respondent on 10 June 2025, and he filed his reply on 12 June 2025.

## **Facts**

3. On 1 February 2024, the Tribunal d’arrondissement de la Côte, Canton de Vaud, issued an “Ordonnance de mesures superprovisionnelles”. According to this order, the Applicant shall pay CHF1,340 monthly as alimony for his son and CHF1,065 monthly as alimony for his daughter, in addition to the dependency allowances that the Applicant received from the Organization for his children.

4. On 28 October 2024, the Applicant’s former partner informed the Administration that the Applicant had not honour his child support obligations.

5. On 26 November 2024, the Administration, *inter alia*, reminded the Applicant of his duty under staff rule 1.2(b) to comply with his private legal obligations, including adherence to honour orders by competent courts. The Applicant was requested to provide evidence of compliance within 30 days and was informed that, in the absence of proof of compliance, automatic deductions in respect of the amounts ordered may be implemented.

6. On 27 December 2024, the Applicant replied that he had appealed the Court Order.

7. On 10 January 2025, the Applicant was informed that the Administration would not, at the time, proceed with the automatic deduction from his salaries but informed him that the single parent allowance and the child dependency allowance would be discontinued effective 1 January 2025, pending review of the situation.

8. On 6 March 2025, the Administration reminded the Applicant that he had not complied with his obligations to pay the child support due as per the Court Order. The Applicant was requested to submit, *inter alia*, proof of compliance with the initial order or evidence that the Tribunal suspended or reviewed the Order. The Applicant was further informed that pending clarifications on the matter, salary advances of USD5,500 for February 2025 and USD5,500 for March 2025 would be disbursed.

9. The Applicant did not provide proof of compliance with the Court Order and did not provide the information requested.

10. On 18 March 2025, the Counsel representing the interest of the Applicant's former partner informed the Administration that a new Court Order ("Ordonnance de mesures provisionnelles") was issued on 6 March 2025, but that this order was not executable yet as the Applicant appealed it. He also indicated that the Court Order dated 1 February 2024 was still applicable and that the Applicant had not paid the ordered child support since 1 June 2024. He thus requested that the amount of CHF2,405 be retained from the Applicant's salary and be transferred to the Applicant's former partner.

11. On 21 March 2025, the Applicant, *inter alia*, contended that a Swiss Court rejected any deduction or withholding of his salary.

12. On 14 April 2025, the Applicant was informed that the Administration considered the Court Order of 1 February 2024 valid and executable, and that the documentation provided was irrelevant as it did not suspend or modify his family obligations. He was further advised that since he had not complied with the Court Order since June 2024, the decision to withhold part of his salaries of February and March 2025 pursuant to the ST/SGB/1999/4 (Family and child support obligations of staff members) stands.

13. On 16 May 2025, the Applicant filed a request for management evaluation regarding the contested decisions.

### **Consideration**

14. Art. 2.2 of the Tribunal's Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. These three requirements are cumulative. In other words, they must all be met in order for a suspension of action to be granted. Furthermore, the burden of proof rests on the Applicant.

### *Receivability*

15. The Respondent argues that the decision to remit part of the Applicant's salaries for February and March 2025 to his former partner in accordance with the 1 February 2024 Court Order has already been implemented on 5 June 2025 and is thus not receivable.

16. While the Tribunal would agree with the Respondent in that this claim would not be receivable, the Respondent has not provided evidence of such implementation. Therefore, his argument on receivability is rejected.

### *Prima facie unlawfulness*

17. The Tribunal recalls that the threshold required in assessing this condition is that of "serious and reasonable doubts" about the lawfulness of the impugned decision (*Hepworth* UNDT/2009/003, *Corcoran* UNDT/2009/071, *Miyazaki* UNDT/2009/076, *Corna* Order No. 90 (GVA/2010), *Berger* UNDT/2011/134, *Chattopadhyay* UNDT/2011/198, *Wang* UNDT/2012/080, *Bchir* Order No. 77 (NBI/2013), *Kompass* Order No. 99 (GVA/2015)).

18. The Respondent argues that the decision to withhold part of the Applicant's salaries for February and March 2025 and to pay salary advances is lawful.

19. In his submissions, the Applicant argues that the Court Order is not final and that, according to the Swiss Federal Tribunal, the “payment of a pension can only be executed after the minimum living expenses of the debtor are covered.” He claims that since February 2025, he has received an insufficient salary to cover his living expenses due to the decision to withhold part of his salary.

20. Sec. 2.2 and 2.3 of the ST/SGB/1999/4 provide that:

2.2 To ensure effective relief when staff members fail to comply with family support court orders, the Organization will voluntarily take the following actions when it receives a family support court order against a staff member which is final and which is not being honoured by the staff member:

(a) The staff member will be requested to comply with the order immediately and to submit proof of compliance to the Organization within 30 calendar days from the date of receipt of the request from the Organization;

(b) If the staff member does not submit the proof of compliance within 30 days, the Organization will commence deductions from the staff member’s United Nations emoluments in respect of the amounts ordered;

(c) The amounts deducted will then be paid to the spouse, former spouse or the dependent child(ren), in accordance with the order.

2.3 For the purpose of the present bulletin, a family support court order will be deemed final if the only action left in regard of that court order would be to have the order executed. If the staff member concerned contests the order, he or she must submit a new order of a competent court, setting aside or vacating the original order or staying the original order pending appeal, or proof that he or she has otherwise amicably resolved the matter with his or her spouse or former spouse. Until such evidence is submitted, the Organization will honour the original court order.

21. The record shows that the contested decision is based on the fact that:

a. The Applicant only partially complied with the Court Order until 1 June 2024, as he did not pay to his former partner the dependency allowances he received from the Organization, and since June 2024, he has not honoured the Court Order altogether; and

b. He received in 2024 as child allowance USD 3,168.04 for his daughter and USD 8,538.29 for his son as the “single parent allowance”, i.e., totalling USD 11,706.34, which should be recovered unless he provides proof that he remitted these amounts to his former partner.

22. Furthermore, there is no evidence that the Applicant has submitted a new order of a competent court, setting aside or vacating the original order or staying the original order pending appeal or proof that he has otherwise amicably resolved the matter with his former partner as per sec. 2.3 of the ST/SGB/1999/4. Similarly, the Applicant has not provided proof that he has complied with the Court Order despite the Administration’s requests in this respect.

23. Under these circumstances, the Tribunal finds that the decision to withhold and eventually remit part of the Applicant’s salaries for February and March 2025 to his former partner, which has been found receivable, is not *prima facie* unlawful.

24. Concerning the Applicant’s claim that he has received an insufficient salary to cover his living expenses due to the decision to withhold part of his salary, the Tribunal notes that he has been paid salary advances at the approximately same amount of his salary at half pay due to his placement on sick leave with half pay since April 2025. The Applicant’s claim in this respect is thus rejected.

25. Since the Applicant has failed to establish that the contested decision is *prima facie* unlawful, given the cumulative nature of the conditions to be met for the granting of a suspension of action, the Tribunal does not find it necessary to consider whether the contested decision is urgent or whether it would cause irreparable damage (*Evangelista* UNDT/2011/212; *Dougherty* UNDT/2011/133).

**Conclusion**

26. In view of the foregoing, the application for suspension of action pending management evaluation is rejected.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 17<sup>th</sup> day of June 2025

Entered in the Register on this 17<sup>th</sup> day of June 2025

*(Signed)*

Liliana López Bello, Registrar, Geneva