



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/065

Order No.: 110 (GVA/2025)

Date: 24 September 2025

Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Jiries Saadeh, Saadeh Rahman LLP

Counsel for Respondent:

Sandra Baffoe-Bonnie, UNEP

Wambui Kahama-Bernard, UNEP

Introduction

1. The Applicant is the daughter of a former staff member of the United Nations Environment Programme (“UNEP”). As her mother is medically incapacitated, the Applicant is acting on her behalf pursuant to art. 3.1(c) of the Statute of the Dispute Tribunal.
2. On 16 September 2025, the Applicant filed an application requesting suspension of action, pending management evaluation, of the decision to withdraw as of 30 September 2025, the full-time 24/7 home care services and other services to the physical and combined therapies being provided to her mother.
3. The application for suspension of action was served on the Respondent, who filed his reply on 19 September 2025.

Facts

4. On 27 June 2025, the Applicant filed an application requesting suspension of action, pending management evaluation, of the decision dated 24 June 2025 to withdraw, as of Tuesday, 1 July 2025, the full-time 24/7 home care services and other services related to the physical and combined therapies being provided to her mother.
5. The application was dismissed by Order No. 80 (GVA/2025) of 7 July 2025 because the Administration decided to voluntarily suspend the implementation of the contested decision, and to extend the medical insurance coverage until 30 September 2025.
6. On 16 September 2025, the Applicant filed a new application for suspension of action pending management evaluation against the same contested decision.
7. In his reply, the Respondent challenges, *inter alia*, the receivability of the application. He furthermore informs the Tribunal that, should the application be found receivable, it has become moot because the Administration has decided to extend the medical insurance coverage until 31 December 2025.

8. On 22 September 2025, the Applicant filed a response to the Respondent's reply without the Tribunal's leave. In it, she submits that the Administration has been abusing the judicial process to avoid judicial scrutiny of the situation, and requests that:

a. The Tribunal orders the Administration to produce all emails, communications, messages, medical determinations, and minutes of meetings created by or for the Administration or exchanged between the Administration and Cigna in respect of the "ongoing review" process that is purportedly taking place in respect of the Applicant's case since the contested decision was communicated to the Applicant on 24 June 2025; and,

b. The Tribunal awards costs in the Applicant's favour, given the fact that the Administration could have acted to grant a further extension to the medical care coverage sooner.

Consideration

Anonymization

9. Given that Order No. 80 (GVA/2025) was anonymized, and as the present Order refers to it and to confidential medical information, this Order shall likewise be anonymized to ensure consistency and to safeguard the medical privacy of the individuals concerned.

Receivability

10. 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.

11. In this case, the Respondent submits that the application is not receivable because there is no longer a pending management evaluation request. The Management Advice and Evaluation Section (“MAES”) completed the management evaluation process on 18 September 2025. MAES concluded that:

[...] was informed by the Health and Life Insurance Section (“HLIS”) that the matter is still under review and that **the current level of coverage will exceptionally be continued through the end of 2025**. Given the ongoing review, **no final decision has been taken regarding the matter**.

12. The Respondent is correct in that the Dispute Tribunal’s jurisdiction in matters concerning applications for suspension of action is limited. In addition to being strictly bound by the three cumulative criteria previously outlined, the Tribunal lacks authority to suspend the implementation of a contested decision once the management evaluation has been completed.

13. The Tribunal observes that MAES completed the management evaluation process after the Applicant submitted the present application for suspension of action. However, while the application may have met the procedural requirements at the time of filing, this is no longer the case, as the process was completed on 18 September 2025.

14. Accordingly, the Tribunal finds that the application is not receivable.

15. Moreover, even if the application was deemed receivable, it would nonetheless be dismissed on grounds of mootness. The Administration’s decision to extend the Applicant’s current level of medical coverage until 31 December 2025 undoubtedly indicates that there is no longer any decision requiring immediate suspension.

16. Notwithstanding the above, the Tribunal acknowledges the Applicant’s request that the Administration be held accountable for what she characterizes as an abuse of process. However, as previously noted, an application for suspension of action is a procedural mechanism with a narrowly defined scope. It is intended solely to temporarily halt the implementation of contested decisions pending the outcome of a management evaluation, where the decision appears *prima facie*

unlawful, is of particular urgency, and its implementation would result in irreparable harm.

17. Given the limited nature of this proceeding, the Tribunal cannot make any conclusive determination regarding the Applicant's allegations and, therefore, cannot reasonably find any judicial abuse at this stage. It cannot equally order the Administration to produce the requested evidence, which would only be an appropriate request in an application on the merits challenging the legality of a final administrative decision.

18. Nonetheless, in view of the seriousness of the matter, the Tribunal highlights the Administration's duty of care towards its staff members, and strongly encourages it to expedite the resolution of its "ongoing medical review" to avoid the need for another application for suspension of action in mid-December.

19. Considering that the Tribunal has found the application not receivable, the Tribunal will not revisit the questions of *prima facie* unlawfulness, irreparable damage, and urgency.

Conclusion

20. In view of the foregoing, the application for suspension of action pending management evaluation is dismissed.

(Signed)

Judge Sun Xiangzhuang

Dated this 24rd day of September 2025

Entered in the Register on this 24rd day of September 2025

(Signed)

Liliana López Bello, Registrar, Geneva