



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/069
Order No.: 97 (NBI/2025)
Date: 1 July 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

MOULAHOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

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

Counsel for Applicant:

Hilda Ojiambo, OSLA

Counsel for Respondent:

UNHCR

Introduction

1. The Applicant serves as a G7 Senior Information Management Associate with the United Nations Refugee Agency (UNCHR) based in Algeria.

Facts and Procedural history

2. On 30 June 2025, the Applicant filed an “Application for Suspension of Action Pending Management Evaluation” to contest the Respondent’s decision to terminate his appointment following the discontinuation of his post, effective close of business (COB) 30 June 2025.

3. The Applicant alleges that he became aware of the decision on 26 June 2025, and filed his request for management evaluation (MER) on 30 June 2025.

4. In the application, the Applicant asks the Tribunal to suspend the implementation of the management decision pending conclusion of the management evaluation process, pursuant to Article 2(2) of the UNDT Statute and Article 13 of the UNDT Rules of Procedure, citing that the Administration failed to conduct the post discontinuation process in a fair and transparent manner, and failed to provide the Applicant with the requisite notice period for discontinuation of the post. Accordingly, the Applicant argues that the decision was unlawful.

5. Citing *Villamorán* 2011-UNAT-160, the Applicant requested the Tribunal to grant an interim order extending his contract beyond 30 June 2025, to allow the Tribunal to adjudicate the matter.

6. On 1 July 2025, the Applicant filed a “Request for Withdrawal of Proceedings” in this matter, indicating that the application had been rendered moot by action taken by the Management Evaluation Unit in granting a suspension of the implementation of the contested decision pending its review of the Applicant’s MER, also filed on 30 June 2025.

7. The Applicant accordingly requested a discontinuation of the proceedings filed before the Tribunal.

Consideration

8. The Tribunal notes that the Applicant's request for suspension of action filed with this Tribunal, while filed prior to close of business for the duty station in which he sits, and therefore, prior to the implementation of the contested decision, were filed after the close of business for the Registry.

9. The Tribunal further notes that the after-hours filing prevented the Registry from serving the Applicant's substantive Motion for Suspension of Action on the Respondent for response.

10. Having reviewed the Applicant's motion, and the reasons stated therein, the Tribunal sees no obstacle to the withdrawal of the application.

11. The Applicant's clear and unequivocal withdrawal of his application concludes the current matter before the Tribunal.

Conclusion

12. In view of the foregoing, the Tribunal DECIDES:

- a. that Case No. UNDT/NBI/2025/069 is hereby closed and is struck from the Tribunal's docket; and
- b. in the interests of justice and judicial efficiency, this Order should be served on the Respondent.

(Signed)

Judge Sean Wallace

Dated this 1st day of July 2025

Entered in the Register on this 1st day of July 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi