



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/089
Order No.: 144 (NBI/2025)
Date: 28 August 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

MURIUKI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Self-Represented

Counsel for Respondent:

UNHCR

Introduction

1. The Applicant is a former Senior Legal Officer, working with the United Nations High Commissioner for Refugees (“UNHCR”), based in Nairobi.
2. On 27 August 2025, the Applicant filed an Application for Suspension of Action Pending Management Evaluation. In the application he stated that:

I seek to challenge a Management Evaluation dated 30th July 2025, Ref. No ME/2025/074, made by the office of UNHCR Deputy High Commissioner, that upheld with erroneous and discriminative reasoning and findings, a decision by UNHCR’s Directorate of Human Resources (DHR) on 10th April 2025, to deny me a long-term FTA contract upon the expiration of my erstwhile 3 years FTA contract.

Consideration

3. First, it is important to note that “[T]he Administration’s response to a request for management evaluation is not a reviewable decision. The response is an opportunity for the Administration to resolve a staff member’s grievance without litigation – not a fresh decision”. *Kalashnik* 2016-UNAT-661, paras. 27-29. See also *Nwuke* 2016-UNAT-697, para. 20; *Nadeau* 2017-UNAT-733, para. 36; *Auda* 2017-UNAT-740, paras. 22-23; *Kalashnik* 2017-UNAT-803, paras. 23- 27.
4. On its face, the application seeks to challenge a response to his request for management evaluation. However, that response is not a reviewable decision.
5. Second, with regard an application for suspension of action, 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.

6. One of the mandatory requirements that applications for suspension of action must meet is that of an ongoing management evaluation. The record shows that the Applicant received a reply to his request for management evaluation on 30 July 2025. Among the documents the Applicant filed in support of his application, there is a copy of the management evaluation that he received. In part VI of his application, the Applicant also confirms that he received management evaluation of the contested decision on 30 July 2025.

7. Consequently, the Tribunal has no jurisdiction to entertain the Applicant's request for suspension of action and cannot but dismiss the related application.

Conclusion

8. In view of the foregoing, this application for suspension of action is dismissed.

(Signed)

Judge Sean Wallace

Dated this 28th day of August 2025

Entered in the Register on this 28th day of August 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi