

UNDT/2019/141, Negasa

UNAT Held or UNDT Pronouncements

Since the Applicant has not sought management evaluation of the alleged instruction for him to work for Warrior Security Limited Company or his allegations of harassment and retaliation in relation to the performance improvement plan, those claims are not properly before the Tribunal. Consequently, the decision to appoint another staff member at the same level as the Applicant's supervisor and FRO is the only decision that the Tribunal can entertain. Clearly, the Tribunal cannot reinstate an application that was withdrawn by the Applicant in 2015 and has no bearing whatsoever on the decision he is contesting in his application of 11 December 2018. Given that the Respondent has granted the Applicant the remedies he sought, the Tribunal concludes that the Applicant no longer has a live claim and that his application is now moot.

Decision Contested or Judgment/Order Appealed

The decisions to designate a staff member, who is also at the same level (FS5 level), as the Applicant's First Reporting Officer (FRO) and the instruction for him to work for Warrior Security Limited Company, a contractor providing security services to UNMISS.

Legal Principle(s)

The mootness doctrine.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Negasa

Entity

UNMISS

Case Number(s)

UNDT/NBI/2018/121

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

12 Sep 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Subject matter (ratione materiae)

Applicable Law

UNDT Statute

- Article 8.1

Related Judgments and Orders
2017-UNAT-742