

021 (NY/2024), Hannina

UNAT Held or UNDT Pronouncements

The Tribunal considered that the Applicant did not establish the required irreparable damage. First, the Tribunal noted that the Applicant did not submit that she faced loss of employment or income, but rather that her placement on ALWP was “detrimental and harmful to her professional work and reputation”. Second, by arguing that “she [would] have to painstakingly re-establish her credibility and authority” and “rehabilitate” her professional image, she was, in fact, arguing that these aspects can be repaired. Third, the Applicant did not provide any supporting documentation, such as a medical report or the assessment of a medical expert, to substantiate her claims regarding the “physiological and mental impact” of the contested decision on her health. Under the particular circumstances of this case, however, any damage cannot be considered “irreparable”.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application for suspension of action contesting the Administration’s decision to extend the duration of her placement on administrative leave with pay (“ALWP”).

Legal Principle(s)

For an application for suspension of action to be successful, there must be at least an averment of irreparable harm to the Applicant.

The Applicant has not shown that the implementation of the contested decision would cause her any harm that could not be compensated by an appropriate award of damages in the event the Applicant decides to file an application on the merits under art. 2.1 of the Tribunal’s Statute (*Evangelista* UNDT/2011/212).

Outcome

Suspension of action denied

Outcome Extra Text

As the Applicant did not satisfy the requirement of proving that she would suffer irreparable damage if the contested decision were implemented, the application failed and there was no need to examine the conditions of *prima facie* unlawfulness and particular urgency.

Full order

[Full order](#)

Individual Party

Hannina

Entity

DPKO

Case Number(s)

UNDT/NY/2024/007

Tribunal

UNDT

Registry

New York

Date of Order

22 Feb 2024

Duty Judge

Judge Adda

Language of Order

English

Issuance Type

Order

Categories/Subcategories

Suspension of action / interim measures

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB/2017/2

UNDT RoP

- Article 13.1

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2011/212

UNDT/2011/107