

007 (NBI/2024), Jean-Joseph Henry

UNAT Held or UNDT Pronouncements

1. The Tribunal noted that in sec. VI of his application form, the Applicant declared that he did not request management evaluation. Indeed, he did not file a copy of his management evaluation request with his application. The record showed that the Applicant was yet to request management evaluation of the decision he sought to have suspended. 2. The Tribunal recalled that applications filed pursuant to arts. 2.2 of the UNDT Statute and 13.1 of the Rules of Procedure must be predicated on a pending management evaluation. Consequently, since the Applicant had not requested management evaluation, his application for suspension of action pending management evaluation was dismissed as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant sought to suspend a decision which he described as “retroactive modification of his contractual status (duty station)”

Legal Principle(s)

Pursuant to the settled jurisprudence, an application for suspension of action, filed under art. 2.2 of the Tribunal's Statute, can only be considered when it is subject to an ongoing management evaluation.

Outcome

Suspension of action denied

Full order

[Full order](#)

Individual Party

Jean-Joseph Henry

Entity

UN SOS

Case Number(s)

UNDT/NBI/2024/003 (henry, jean-joseph)

Tribunal

UNDT

Registry

Nairobi

Date of Order

19 Jan 2024

Duty Judge

Judge Belle

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Suspension of action

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Applicable Law

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2