

Introduction

1. The Applicant, a Conduct and Discipline Officer at the United Nations Interim Security Force for Abyei (“UNISFA”), serving on a continuing appointment at the P-4 level, challenges the Administration’s decision to extend his Administrative Leave with

10. On 13 June 2021, the Applicant was notified that he was being placed on ALWP, effective 14 June 2021, by the Acting Head of Mission on grounds of unsatisfactory conduct.

11. On 18 June 2021, the Applicant sought management evaluation (“ME”) of the 13 June 2021 decision.

12. On 2 August 2021, the Management Evaluation Unit (“MEU”) upheld the decision.

13.

21. On 2 March 2022, ALWP was extended for a further three months from 14 March 2022 through 13 June 2022, or until the completion of a disciplinary process, if any, whichever is earlier.

22. As of the filing of closing submissions in this case, the Applicant remains on ALWP.

23. On 14 April 2022, the Applicant filed an application to challenge the Respondent's decision of 10 January 2022 to extend his ALWP for a further three months, or until the completion of an investigation into his conduct and any disciplinary process.

24. The Respondent filed his reply on 21 May 2022 stating the impugned decision was lawful and rational.

25. On 3 August 2022, the Tribunal issued Order No. 106 (NBI/2022) to inform the parties of its decision to adjudicate this matter on the basis of their written submissions. To that end, the parties that end, st59.3.pf 1ir 519.5.518Q414C 06.11.21.16 (Bd Xi5HVS

account the behaviors of the parties during the ME process, given its administrative nature.

40. The motion has no merit. MEU is part of the Administration, which has to be regarded as a whole. Therefore, the documents exhibited in the ME have been legally acquired by the Administration.

Merits

41. As to the placement in ALWP in general, the Tribunal recalls its observations in *Futang* UNDT/2022/102 filed by this Applicant. The measure is provided in the interest of the Organization; and was fully justified by the need to preserve evidence and to avoid the risk of repetition or continuation of further acts similar to those the Applicant was accused of.

42. The

(Signed)

Judge Francesco Buffa

Dated this 10th day of October 2022

Entered in the Register on this 10th day of October 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi