

Introduction

1. The Applicant, a staff member of the United Nations, filed an application on 26 June 2023 to contest the decision to deny a request for change of gender in the Organization's records.
2. The Respondent filed a reply on 27 July 2023 requesting the Tribunal to reject the application.

Procedural background

3. In the application, the Applicant also requests anonymity on the ground that the application addresses matters that are hugely personal and go to the core of the Applicant's identity.
4. By Order No. 138 (NBI/2023), issued on 18 September 2023, the Duty Judge *inter alia* directed that the Applicant's motion for anonymity be ruled on once the case is assigned to a Judge.
5. The case was assigned to the present Judge on 21 September 2023.

Ruling on the motion for anonymity

6. The Tribunal notes that it is in the interest of justice to grant the motion. Since the United Nations Appeals Tribunal ("UNAT" or "the Appeals Tribunal") has already used the pseudonym of AAQ in reference to the Applicant (see AAQ 2023-UNAT-1381), for consistency purposes the Tribunal adopts the same and directs that AAQ will be used in all the orders and judgment in this case.

Suspension of proceedings

7. By Order No. 146 (NBI/2023), issued on 26 September 2023, the Tribunal recalled that the present application follows a prior application by the Applicant contesting a refusal to change their gender from male to female, in which this Tribunal

Case No. UNDT/NBI/2023/052

Judgment No. UNDT/2023/128

Consideration

16. The question before the Tribunal is whether or not the UNDT has jurisdiction to adjudicate the application.

17. Article 2(1)(a) of the UNDT Statute provides that the Dispute Tribunal shall be competent to hear and pass judgment on an application filed by an individual:

[t]o appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of

20. More specific to the present case, in *AAQ*, UNAT held the following:

60. For *AAQ*, although not being considered female in *Umoja* might arguably impact potentially some benefit to them, pursuant to *Avramoski* *AAQ* would need to wait for a decision denying an actual and specific benefit on this basis in order to challenge it. At the time this proceeding arose, the decision not to record them as female in *Umoja* was not directly impacting any actual specific benefit or entitlement or other incidence of their employment.

21. In line with the above finding, the Tribunal finds that the Applicant, even in the case at bar, has not established how the contested decision adversely affects the Applicant's employment. The jurisdictional constraints do not allow this Tribunal to hear and decide the application in the absence of a particular facts-based case. Thus, the application needs to be rejected.

Judgment

22. The application is dismissed as not receivable.

(Signed)

Judge Sean Wallace