

Introduction

1. The Applicant is an Administrative Officer in the Public Information Section (PIS) at the United Nations Mission in Liberia (UNMIL).
2. On 27 November 2017, he requested management evaluation and filed an application for suspension of action (SOA), pending management evaluation, of the Respondent's decision not to renew his appointment beyond 30 October 2017 (the contested decision)

2018, 26 posts and positions of the remaining 29 will be abolished.

Director/FPD. This demonstrates an overlap between the unlawful motive and the action taken.

20. The Mission's primary position was that the Applicant's post would be required until the end of March 2018. The Budgetary Assumptions document confirms that UNMIL's radio capabilities, the main source of work for the Applicant's section, would be transferred to an independent entity as of 28 February 2018. Thus,

35. Contrary to the Applicant's contention, the Mission was not required to retain him through 30 March 2018 and the Secretary-General's report does not state such an intent. The Secretary-

40. As of 8 September 2017, the UNMIL Chief, Communication/PIS determined to extend the P-3 Radio Producer for a longer period given the General Assembly's instruction to continue communication through UNMIL Radio until the end of the Mission's mandate.

41. Furthermore, UNMIL has made good faith efforts to reassign the Applicant. As a result of these efforts, the United Nations Support Office in Somalia (UNSOS) has expressed interest in recruiting the Applicant. These good faith efforts to assist the Applicant to continue his employment with the Organization belie his allegations of improper motive. The contested decision was lawful.

Urgency

42. The Applicant has known since 16 September 2017 that his fixed-term appointment would not be extended beyond 30 November 2017. The Applicant has also been represented by Counsel at least since 7 November 2017. Nevertheless, he waited until three days before the expiration of his appointment to seek management evaluation and suspension of the implementation of the contested decision. Any alleged urgency has been created by the Applicant. Self-created urgency does not satisfy the requirements for suspension of an administrative decision.

Irreparable harm

43. The Applicant has not established irreparable harm.

44. The gravamen of the Applicant's complaint is that he should be retained until 30 March 2018. Even so, any harm the Applicant may suffer from the contested decision could be addressed with a monetary award. In this case, there is not an issue of loss of career opportunities as the Applicant concedes that due to the closure of the Mission, his appointment would have ended on 30 March 201[8].

Case No. UNDT/NBI/2017/115

Order No.: 205

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Irreparable harm

63. The Tribunal agrees with the Applicant that a loss of United Nations employment is not merely viewed in terms of financial loss but also in terms of the loss of career continuity and other opportunities.

IT IS ACCORDINGLY ORDERED

64. The application for suspension of action is granted and the implementation of the contested decision is suspended pending management evaluation.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 30th day of November 2017

Entered in the Register on this 30th day of November 2017

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi