



Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

ROCKCLIFFE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
SUSPENSION OF ACTION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat

Background

4. In 2000, the currently applicable “Memorandum of Understanding with respect to the United Nations Personnel Procedures appl

Case No. UNDT/NY/2014/075

Order No. 355 (NY/2014)

decisions. It was decided therefore that this recruitment could not be put off any longer.

20. On 19 December 2014, the Applicant filed a request with the Management Evaluation Unit (“MEU”) for management evaluation of the decision, relating to the JO, “to implement promotion to P-5 of certain applicant who did not meet the usual criteria of the P-5”.

21. On 23 December 2014, in response to the Applicant’s request for management evaluation dated 16 December 2014, the Chief of the MEU responded that her request for management evaluation “is not receivable, as the matters you submitted do not constitute a reviewable administrative decision affecting your contract terms as a Staff Member”. The MEU further found that the Applicant had no legal standing as she did not apply for the post in question, nor had she any standing to submit requests on behalf of staff members.

22. On 26 December 2014, the Applicant sent an email to the MEU, in response to the evaluation contending, *inter-alia*, that she could not ethically or morally make application for a post based on an illegal JO, and that she had an individual right as a staff member to staff management consultations in accordance with the staff rules. As the management evaluation had found her application not receivable, she concluded in her email that since she “was unable to receive a ruling on the substance of my request, I would respectfully ask the Dispute Tribunal to review the matter of the suspension of action on the merits of this case under article 2.1(a)”.

23. On 26 December 2014, the Applicant thereafter filed (under the same Case No. UNDT/NY/2014/075 as this matter) what appears to be a substantive application relating to the same subject matter and on the same facts, as:

The MEU was not able to receive my request for suspension of action-finalising the Letter of Appointment for the P5 post pending the outcome of staff management consultations and proper promulgation of this new policy to allow promotion to P5 posts without mobility.

24. Whilst the Applicant has submitted this latter application on the standard form for an application on the merits (form UNDT/F.1E), she does appear to request as an interim measure the suspension of the promotion of the selected candidate, pending completion of staff management consultations and the report of the Pension Board to the General Assembly as requested in A/RES/68/247 (the standard form for such request would be UNDT/F.11E). The Registry therefore sought clarification from the Applicant by email on 26 December 2014, advising her to file her

and is still ongoing (*Igbinedion* 2011-UNAT-159, *Benchebbak* 2012-UNAT-256). Furthermore, according to *Onana* 2010-UNAT-008 (affirmed in *Kasmani* 2010-UNAT-011, *Benchebbak* 2012-UNAT-256), the Dispute Tribunal may under no circumstances order “the suspension of a contested administrative decision for

Order

31. The application for suspension of action is dismissed.

(Signed)

Judge Ebrahim-Carstens

Dated this 29th day of December 2014