



Introduction

1. At 4:31 p.m. on 3 June 2016, the Applicant, a Human Resources Assistant at the United Nations Economic Commission for Latin America and the Caribbean
Application for suspension of
action pursuant to article 13 of the Rules of Procedure of the United Nations Dispute Tribunal and Motion pursuant to articles 19 and 36 of the UNDT Rules of Procedure
. The Applicant requests the Tribunal to order the suspension, pending management evaluation, of the implementation of the administrative decision not to renew her contract upon its expiration on 30 June 2016. The application for suspension of action includes order the suspension of the contested decision pending the Article 13 suspension of action

2. On the same day, the case was assigned to the undersigned Judge.

3. At 6:25 p.m. on 3 June 2016, the New York Registry of the Dispute Tribunal

Further to

the Rules of Procedure by **1:00 p.m. on Monday, 6 June 2016**, and his reply to the application for suspension of action by **5:00 p.m. on Wednesday, 8 June 2016**.

4. At 11:34 a.m. on 6 June 2016, the Respondent filed his response to the Applicant .

Factual and procedural background

5. On 30 August 2013, the Applicant signed a Letter of Appointment offering her a two year fixed-term appointment as a Human Resources Assistant at the G-5, Step 4 level, ECLAC, in Santiago, Chile. The effective date of appointment was 1 January 2014.

6. For the 2013 2014 performance evaluation cycle, the Applicant received an overall end-of-cycle rating of P

7. The Applicant rebutted her performance evaluation for 2013 2014. A Rebuttal Panel was convened and issued a report dated 1 October 2014. The panel should be maintained and recommended the implementation of a Performance Improvement Plan .

8. The Applicant was placed on a PIP from 11 November 2014 until 8 May 2015. In May 2015, upon completion of the first PIP, the Applicant was informed that the Administration had decided to extend the PIP for another six months, from May 2015 until October 2015.

9. On 4 January 2016, the Applicant signed a Letter of Appointment offering her a six month extension to her appointment. The Letter of Appointment stated that it -Term Appointment, irrespective of the length of service, does not carry any expectancy, legal or otherwise, of renewal or of conversion to any other type of appointment in the Secretariat of the United Nations .

10. On 17 May 2016, the Applicant was informed by her new first reporting officer and second reporting officer that her contract, which was due to expire on 30 June 2016, would not be renewed.

11. On 23 May 2016, the Organization advertised two Human Resources Assistant positions at the G-5 level, ECLAC, Santiago, Chile, through Job Opening number 16-HRE-ECLAC-61172-J-SANTIAGO (O). The announced deadline for applications was 29 May 2016.

12. By memorandum dated 30 May 2016, the Applicant was informed that, in accordance with the information conveyed to her in person on 17 May 2016, her appointment would not be extended beyond its date of expiry on 30 June 2016.

Case No. UNDT/NY/2016/021

Order No.

8. Having considered the facts before it and the submissions made by both parties, the Tribunal determines that, in view of the complex issues in the present case, further submissions are required for the fair and expeditious disposal of the application and to do justice to the parties.

9. The Tribunal further considers that, given that the contested administrative decisions are due to be implemented today, it is appropriate, in the special circumstances of the present case, to order the suspension of the implementation of the contested decisions pending the final determination of the present application for suspension of action.

agree that the UNDT should have explicitly addressed this matter, a review of the record reveals that the decision to impose a break in -term appointment was notified to her only on 23 June 2011. She made her request for management evaluation the same day and filed her request for suspension one week later, on 1 July 2011. The UNDT Registry informed her that she had used the wrong form and Villamoran refiled her submission, using the correct form, on 5 July 2011, two days prior to the date the decision would be implemented. In light of the foregoing, we do not find that the urgency was self-

service of the application for suspension of action on the Respondent to consider the request for suspension of action pending management evaluation. In the present case, the effective date of service of the application for suspension of action on the Respondent is Monday, 6 June 2016, since the application was transmitted to the Respondent via email after close of business on Friday, 3 June 2016. The Tribunal therefore has until Monday, 13 June 2016 inclusive to consider and rule on the

pending its consideration of an application for suspension of action is the contested administrative decision not to renew the