



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

OMWANDA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON RESPONDENT'S MOTION FOR
SUMMARY DISMISSAL**

Counsel for Applicant:
Self-represented

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

Case No. UNDT/NY/2016/053

Order No. 240 (NY/2016)

Respondent's motion dated 18 October 2016

4. Several hours later, also on 18 October 2016, the Respondent filed a motion for summary dismissal, stating that the MEU did not treat the Applicant's email of 14 October 2016 as a management evaluation request. The Respondent submits that the MEU informed the Applicant on 15 October 2016 that, if he wished to file a management evaluation request, he should complete a claim form. Accordingly, there was no pending management evaluation request and the application for suspension of action should be dismissed.

Consideration

5. The Appeals Tribunal stated in *Lemonnier* 2016-UNAT-679:

the MEU was to seek management evaluation of the contested decision. The Tribunal therefore finds that the requirement of pending management evaluation is satisfied. The Respondent's motion is dismissed.

IT IS ORDERED THAT:

7. The Respondent's motion for summary dismissal is dismissed.
8. The Respondent's reply to the application shall be filed by **1 p.m. on Thursday, 20 October 2016.**

(Signed)

Judge Ebrahim-Carstens

Dated this 19th day of October 2016