

Introduction

1. On 11 October 2017, at 5:55 p.m., the Applicant, a staff member with United Nations Stabilization Mission in Haiti (

Management has approved the termination of your appointment with the United Nations in accordance with Staff Regulation 9.3 (a)(i) and Staff Rule 9.6 (c)(i).

This is an official notice that your appointment will be terminated in line with Staff Rule 9.7, and your separation will be effective **15 October 2017**.

The Under-Secretary General for Management also approved payment of termination indemnity pursuant to Staff Regulation 9.3 (c), Staff Rule 9.8 and in accordance with the rates set out in Annex III of the Staff Regulations. In addition a compensation in lieu of notice will be paid in line with Staff Rule 9.7(d).

The Human Resources Section of MINUSTAH will follow up with you on the necessary arrangements.

I take this opportunity to express the mission's sincere appreciation for your dedication and contribution to the work of the United Nations and wish you the best in your future endeavours.

Parties' submissions

5. The Applicant contends that the termination of his continuing appointment was prima facie *unlawful* as it was in breach of staff rule 9.6(e) and the jurisprudence established in *Lemonnier* 2017-UNAT-762. The Applicant submits that his application is urgent because he “barely had 3 working days from date [he] received the termination letter” and that the decision will cause “[i]rreparable physical and personal damages and against human rights”.

6. The Respondent submits that the Application is moot because the contested decision will not be implemented pending management evaluation and that notification of this will be sent to the Applicant prior to the close of business on 13 October 2017. The Applicant has been provided with the relief he is seeking, and there is therefore no matter for the Dispute Tribunal to adjudicate.

Administration pending management evaluation, there is no further determination to be made by the Tribunal in the present case.

Conclusion

15. Taking act that the Administration has already granted the requested relief, and that the implementation of the contested decision is already suspended pending management evaluation, the Tribunal ORDERS:

The application for suspension of action is moot

(Signed)

Judge Alessandra Greceanu

Dated this 12th day of October 2017