
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/088

Order No.: 4 (NY/2019)

Date: 4 January 2019

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Nerea Suero Fontecha

LAMOTHE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON SUSPENSION OF ACTION
PENDING MANAGEMENT
EVALUATION**

Counsel for Applicant:
Natalie Dyjakon, OSLA

Counsel for Respondent:
Zarqaa Chohan, UNICEF

Introduction

1. On Friday, 28 December 2018, the Applicant, an Emergency Officer with the United Nations International Children's Emergency Fund ("UNICEF") at the P-2 level in New York, filed an application for suspension of action pending management evaluation under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure, seeking to suspend UNICEF's decision to:

- a. Abolish his post and not renew his fixed-term contract beyond 31 December 2018;
- b. Not make good faith efforts to assist him in finding an alternative position after the decision to abolish his post; and
- c. Recruit for the post of Emergency Officer, P-2 level, New York Headquarters, no. 103033.

2. Together with his application, referring to arts. 19 and 36.1 of the Dispute Tribunal's Rules of Procedure and the Appeals Tribunal's judgment in *Villamorán* UNAT/2011/160, the Applicant also filed a motion requesting that the contested decisions be suspended pending the Tribunal's consideration of the suspension of action proceedings, submitting that he will

