



## **Introduction**

1. On Wednesday, 5 June 2019, the Applicant, a former Project Manager at the P- application via email, requesting urgent relief under art. 2.2 of the Dispute Tribunal s Statute and art. 13 of its Rules of Procedure seeking to suspend, pending management

ToR for the position of Head of Delivery with UNOPS,

2. As 5 June 2019 was an official holiday in the United Nations, New York, the

On 22 January 2019, [the Applicant] received a letter formally informing him that his fixed-term appointment would not be extended beyond 31 January 2019 [reference to annex omitted].

Application for the Head of IT Delivery position with UNOPS:

National Officer (NO) is normally a completed, advanced university degree (Masters or equivalent, and also inclusive of professional certifications (CPA etc.) and military/police rank equivalents) ;

ii. Additi

with two additional years of relevant work experience may be considered in cases where degree or the local labour market makes the requirement impracticable case with the contested selection process;

iii. This determination must be made prior to advertising the vacancy announcement. There is no longer any possibility to request a waiver of the minimum academic requirements after the vacancy [same position] has been equivalent requirement . The Head of IT Delivery post was already advised with other educations (sic) requests;

iv. Hiring Managers are accountable for ensuring that similar posts are advertise Tf7with ] TJET@.00000912 0 612 792 reW\*nBT/F1 12 Tf1 0 0 1 2971.0





6.

employment does not have standing as the application has no bearing

10. In the present case, the Applicant is contesting a selection process that was initiated after he was separated from the Organization on 31 January 2019 as evident from the job opening, which the Applicant appended to his application, illustrating that the job application period started months later, namely on 16 May 2019, with the Applicant submitting his job application on 17 May 2019.

11. Consequently, as the relevant selection process and his job application have no connection whatsoever to his former status as a staff member, the Applicant therefore has no legal standing to contest any matters in relation to the selection process. The Tribunal finds that his case is clearly distinguishable from the facts in the matter of *Gabalton* 2011-UNAT-120, a case which dealt with an external candidate seeking employment with the Organization for the first time.

12. In addition, f  
that he should have been moved to the relevant position laterally before being separated or otherwise have been given a prioritized status for the post.

13. As filing a request for management evaluation would be mandatory for the Applicant regarding this issue pursuant to staff rule 11.2(a) and (b), the Applicant would have to file this request within 60 calendar days from the date on which he received notification of the administrative decision to be contested in accordance with  
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a timely management evaluation request. In addition, it is clear from the settlement agreement signed by the parties that the Applicant waived all rights in respect to any prior claims relating to his separation in January 2019.

15. Finally, the Tribunal observes that the selection process appears to concern a position as an individual contractor. The Tribunal notes that pursuant to the founding resolutions of the General Assembly, the internal justice system of the United Nations, individual contractors do not have access to the Dispute Tribunal (see General Assembly resolutions 61/261 and 62/228 (Administration of justice at the United Nations)), which has also been reaffirmed by the Appeals Tribunal (see, for instance, *Ben Osmane* 2019-UNAT-871).

### **Conclusion**

16. In light of the above, the application for suspension of action is not receivable and is accordingly rejected.