



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NY/2020/045  
Order No.: 200 (NY/2020)  
Date: 18 December 2020  
Original: English

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**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

WEIDMANN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON SUSPENSION OF ACTION  
PENDING MANAGEMENT  
EVALUATION**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Yun Hwa Ko, UNFPA





17. On 11 December 2020, the Applicant submitted his request for management evaluation contesting the non-selection decisions for the P-4 and P-5 Positions.

### **Consideration**

18. Under art. 2.2 of the Dispute Tribunal's Statute and art. 13.1 of the Rules of Procedure, the Tribunal may suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. The Dispute Tribunal can suspend the contested decision only if all three requirements have been met.

19. Having reviewed the papers, the Tribunal finds that the Applicant has failed to establish a case of irreparable damage or particular urgency for the reasons below.

#### *Irreparable harm*

20. The Applicant submits that once other candidates have been selected for the P-4 and P-5 Positions it would be impossible to reverse the contested non-selection decisions, even if the Management Evaluation or a subsequent Tribunal process would find in the Applicant's favour.

21. The Tribunal recalls that irreparable harm is a loss that cannot be adequately compensated through a monetary award (*Khalouta* Order No. 138 (NY/2014)). Depending on the circumstances of the case, harm to professional reputation and career prospects, harm to health, or sudden loss of employment may constitute irreparable damage.

22. The onus is, however, on the Applicant to demonstrate, with specificity, that irreparable damage will occur and must not be speculative (*Nwuke*, UNDT/2011/107). The Applicant has neither articulated nor provided evidence of any such harm. In this regard, the Tribunal notes that the Applicant's current employment is unaffected by the contested decisions. He remains employed with



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