
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/026
Order No.: 045 (NY/2022)
Date: 12 May 2022
Original: English

Before:

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onerous since all the Tribunal is to do at this stage is to decide as to whether it appears that, if not rebutted, the claim will stand proven on a *prima facie* basis. Any such determination is not binding should the Applicant subsequently file an application on the merits and the matter would proceed to a full judicial review. It is merely an indication as to what appears to be the case at this preliminary stage.

14. On ALWP

May 2022. The Applicant did not challenge the initial decision to place him on ALWP, nor did he challenge earlier decisions to extend ALWP. The Appeals Tribunal held in *Gisage* 2019-UNAT-973 at para. 31 that each decision to extend ALWP is “distinct from each other” and does not “constitute a single decision placing [a staff member] on [administrative leave]”. Accordingly, the Tribunal’s review will be limited to the contested decision, namely, the decision to extend ALWP from 29 April 2022 to 31 May 2022.

20. The Tribunal notes that the applicable legal framework does not set the time limit to the duration of ALWP, nor does it provide any guideline on the length of each extension of ALWP. However, as the Appeals Tribunal held in *Gisage* 2019-UNAT

IT IS ORDERED THAT:

29. In light of the above, the Tribunal orders that:
- a. The Applicant's motion for leave to respond to the Respondent's reply is granted;
 - b. The application for suspension of action is rejected.

(Signed)

Judge Joelle Adda

Dated this 12th day of May 2022