
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/003
Order No.: 008 (NY/2024)
Date: 24 January 2024
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

JONES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON SUSPENSION OF ACTION
PENDING MANAGEMENT
EVALUATION**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Tiffany Henderson, UNOPS

Introduction

1. On 17 January 2024, the Applicant, a staff member at the G-6 level with the United Nations Office for Project Services (“UNOPS”) in New York, filed an application requesting, under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure, the suspension, pending management evaluation, of the decision “to terminate [his] permanent appointment contract following the implementation of a Right-Sizing exercise”.

2. By email of 17 January 2024, the Registry acknowledged receipt of the application, which was 28 pages long, and requested the Applicant to resubmit it in compliance with the page-limit requirement. The Applicant’s resubmitted application was received on 18 January 2024 and served on the Respondent on the same day.

3. On 22 January 2024

discussions to resolve the issues surrounding [his] termination”, but these were ultimately unsuccessful in light of the Organization’s “unwillingness to engage in meaningful negotiations”.

c. His efforts to seek assistance from the OSLA in late December 2023 were complicated by the fact that this was during the “holiday period”.

9. The Respondent’s principal submissions are the following:

a. Since he “was not able to gather additional documentary evidence regarding this case by the deadline, [he] has restricted [his] submissions to the Applicant’s failure to meet one of the three conditions required (that of urgency)”.

b. By not coming to the Tribunal at the first available opportunity, the Applicant failed to discharge his burden of demonstrating that his case is of particular urgency and that he acted in a timely manner. After the Applicant received the written notice of termination, he waited for 60 days before filing the MER and then waited for another 19 days before submitting his application. In other words, “the Applicant waited 79 days in total before coming to the Tribunal”.

c. The Applicant’s assertion that the delay in submitting his MER and in filing his application were occasioned by his attempt to engage in good-faith negotiations should be rejected because “the Applicant has provided no evidence to indicate that such a course of action was warranted in the circumstances”.

d. The claim that the delay in submitting the application was caused by OSLA “is of no avail to the Applicant because the evidence shows that such a delay ceased on 29 December 2023” when the Applicant submitted his MER and shared a draft of his application for suspension of action pending

IT IS ORDERED THAT:

18. The application for suspension of action is rejected.

(Signed)

Judge Joelle Adda

Dated this 24th day of January 2024

Entered in the Register on this 24th day of January 2024

(Signed)

Isaac Endeley, Registrar, New York