



**Before:** Judge Francis Belle  
**Registry:** Nairobi  
**Registrar:** René M. Vargas M., Officer-in-Charge

HENRY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON AN APPLICATION FOR  
SUSPENSION OF ACTION PENDING  
MANAGEMENT EVALUATION**

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**Counsel for the Applicant:**

Self-represented

**Counsel for the Respondent:**

AS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant is a Close Protection Officer working with the United Nations Support Office in Somalia.
2. By an application filed on 17 January 2024, the Applicant seeks to suspend a decision which he describes as “retroactive modification of [his] contractual status (duty station)”.

## **Consideration**

3. Art. 2.2 of the Tribunal’s Statute and art. 13 of its Rules of Procedure provide that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation. The Appeals Tribunal has emphasized more than once that an application for suspension of action can only be considered when it is subject to an ongoing management evaluation (see *Igbinediom* 2011-UNAT-159).
4. The Tribunal notes that in sec. VI of his application form, the Applicant declares that he did not request management evaluation. Also, he did not file a copy of his management evaluation request with his application. The record shows that the Applicant is yet to request management evaluation of the decision he seeks to have suspended. Consequently, his application for suspension of action pending management evaluation must fail.
5. In an application for suspension of action, the failure to request management evaluation is a matter of law which may be considered *ex officio*, even without serving the application on the Respondent for a reply. The Tribunal sees no need to seek a reply in this case.
6. Should the Applicant request management evaluation, he will have the possibility of filing a new application for suspension of action pending management evaluation. In this connection, the Tribunal finds it pertinent to draw the Applicant’s attention to the following.

7. In sec. XI of his application form, the Applicant listed a document dated 15 January 2024 as the contested decision. However, this document contains several decisions. The Applicant should clearly identify the contested decision and provide a copy of it.

**Conclusion**

8. In view of the foregoing, the application for suspension of action pending management evaluation is dismissed as not receivable.

*(Signed)*

Judge Francis Belle

Dated this 19<sup>th</sup> day of January 2024

Entered in the Register on this 19<sup>th</sup> day of January 2024

*(Signed)*

René M. Vargas M., Officer-in-Charge, Nairobi