



Case No.: UNDT/NBI/2011/050

Judgment No.: UNDT/2011/152

Date: 26 August 2011

Introduction

1. On 24 August 2011, the Applicant, an Administrative Clerk, at the G-3 level, in the United Nations Mission in Liberia (“UNMIL”), filed an application for suspension of action with the United Nations Dispute Tribunal (“the Tribunal”), contesting the decision not to renew her fixed-term appointment beyond 31 August 2011.

Relevant Facts

2. On 1 July 2010, the Applicant was appointed as Administrative Assistant in the UNMIL on a one year fixed-term contract. On 30 June 2011, her appointment was extended until 31 August 2011.

3. By memorandum dated 29 July 2011, the Applicant was advised by the Officer-in-Charge in the Human Resources Management Section (“HRMS”) of UNMIL that the post of General Service Administrative Assistant, post # 57662 she encumbered would be reclassified to become a National Professional Officer Human Rights position. In view of this, the Applicant was informed of the non-extension of her fixed-term appointment beyond 31 August 2011.

4. On 17 August 2011, the Applicant request

- a. The Applicant claims that her application meets the three criteria required by the Statute and Rules of Procedure for the granting of a suspension of action.
- b. First, the Applicant submits that the decision not to extend her fixed-term appointment was improperly motivated. In her view, the decision was the result of problems she has been facing with her supervisor. The change of category from General Service Administrative Assistant to National Officer Post is an excuse to lay her off. She argues that the HRMS did not make any effort to reassign her to another suitable post.
- c. In view of the above, the Applicant argues that the decision is *prima facie* unlawful because the classification of a post should not negatively affect the existing contractual status, salary and entitlements of a staff member. Secondly, the Applicant refers to “Chapter IX of the staff rule 109, paragraph c” which concerns the abolition of posts, and avers that the Organization should have found her another suitable post.
- d. Finally, the Applicant submits that this is a matter of urgency and that if implemented the decision would cause her loss of income and would create hardship in providing support to her family and children.

Respondent’s Submissions

6. In accordance with article 13.2 of the Rules of procedure the application was served on the Respondent on 26 August 2011. No reply was neither requested by the Tribunal nor submitted by the Respondent.

Consideration

7. After careful consideration of the submissions of the Applicant, the Tribunal did not deem it necessary to hold an oral hearing in this matter in accordance with article 16.1 of its Rules of Procedure.

8. When dealing with applications for suspension of action, the Tribunal is guided by the provisions of article 2 of the Tribunal's Statute and article 13 of the Tribunal's Rules of Procedure. Article 13 (1) provides as follows:

“The Dispute Tribunal shall make an order on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a

dispute resolution decision that the Tribunal has held to be unjustified.”

Case No. UNDT/NBI/2011/050

Judgment No. UNDT/2011/152