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- 6. Ms. Nguyen commenced her two-year secondment to ISA on 14 February 2018.
- 7. On 21 July 2019, Ms. Nguy

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## Considerations

21. As already held by the Appeals Tribunal in Webster, the contested "decision" subject to appeal to the Appeals Tribunal, be it the JAB report or the ISA Secretary-General's final decision in light of the JAB's report,

that neutral body. As the Appeals Tribunal is the second level of appeals, we cannot conduct a review without a decision from a neutral first instance process. That is the case here.

27. Therefore, contrary to the ISA Secretary-General's submissions, we find that the

## Judgment

29. To ensure compliance with the jurisdictional requirements of the Special Agreement and Article 2(10) of the Statute, we remand the matter to the JAB. The Appellant's appeal to the JAB should be reconsidered and decided by a neutral first instance process that produces a written decision and record that includes a statement of the relevant facts and law, with written reasons and analysis.

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