



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2009/136

Judgment No.: UNDT/2010/051

Date: 30 March 2010

Original: English

Before: Judge Memooda Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

LENCI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

Self-represented

Counsel for respondent:

Teresa Lopez Posse, UNDP

Peri Johnson, UNDP

Introduction

1. The applicant appealed against a decision of the Administrator of the United Nations Development Programme (UNDP) which, although exonerating him from a charge of workplace harassment relating to an alleged physical assault, required him initially to complete an anger management programme monitored by the Organisation and subsequently to complete a conflict management programme instead. The applicant requested an official letter of apology from the UNDP “clearing him of the accusations against him, apologising for having unfairly suspended him, and clearing him of the stigma that he has interpersonal problems to be monitored and of the request to undergo an anger management programme”. The applicant further requested to be compensated “in an amount equal to at least two years salary, for more than one year of tremendous stress and humiliation, and the lasting damage to his reputation and his career”.

2. On 8 December 2009, the respondent requested a suspension of the proceedings for the duration of informal settlement negotiations, which had been initiated between the parties on 19 November 2009. On the same day, the applicant indicated that negotiations had failed and requested that the proceedings continue. Following a directions hearing on 14 January 2010, the Tribunal proposed, and the parties consented, that the case be referred to the Mediation Division of the Office of the Ombudsman for mediation pursuant to article 15 of the Rules of Procedure, and that the proceedings be suspended for a period of 60 days. On 25 February 2010 the Mediation Division informed the Tribunal that it would initiate the mediation process. On 29 March 2010, the Mediation Division, as well as the parties in a joint response to the Tribunal’s Order of 14 January 2010, informed the Tribunal that the matter had been successfully resolved through mediation. The applicant subsequently confirmed that he was withdrawing the application.

Conclusion

3. In light of the agreement reached through mediation, the appeal is hereby withdrawn. This appeal having been withdrawn, there is no longer any matter for adjudication before the Tribunal.

(Signed)

Judge Memooda Ebrahim-Carstens

Dated this 30th day of March 2010

Entered in the Register on this 30th day of March 2010

(Signed)

Hafida Lahiouel, Registrar, UNDT, New York