



Before: Judge Marilyn J. Kaman

Registry: New York

Registrar: Santiago Villalpando

DUDLEY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Marcus Joyce, ALS/OHRM, UN Secretariat

Introduction

1. On 12 November 2010, the Applicant filed an application for a suspension of action, under art. 2.2 of the Statute of the Dispute Tribunal, of the decision of the Ethics Office to proceed with an investigation into the Applicant's conduct. At the time of filing this application, the Applicant had not requested a management evaluation of the decision.
2. On 18 November 2010, the Applicant submitted to the Tribunal that he had submitted a request for management evaluation.
3. By Order No. 308 (NY/2010) of 19 November 2010, following a hearing on the matter, the Applicant's request for suspension of action was rejected in its entirety.

Consideration

4. Pursuant to staff rule 11.2(d), the Secretary-General's response was due to be communicated to the Applicant within 30 calendar days of receipt of the request for management evaluation, as the staff member was stationed in New York. The response to the Applicant's request for management evaluation was therefore due by 18 December 2010. Under staff rule 11.4(a), the Applicant has a period of 90 calendar days to file an application under art. 2.1 of the Tribunal's Statute from the earlier of the date of which he received the outcome of the management evaluation or from the date of expiration of the deadline specified under staff rule 11.2(d). This date was 18 March 2011.
5. To date, the Tribunal has not received any application or correspondence from the Applicant.
6. As relied upon in *Modeste* UNDT/2011/073, the Tribunal's jurisprudence supports that in such circumstances, the proceedings shall be closed:

8. As noted by this Tribunal in *Saab-Mekour* UNDT/2010/047 and *Monagas* UNDT/2010/074, an applicant must have a legitimate interest in the maintenance of his or her proceedings. Moreover, as noted in *de la Fayette* UNDT/2010/037, it is in the Tribunal's interest to ensure that only current proceedings are maintained before it.

Conclusion

7. For the forgoing reasons and the subsequent lack of prosecution of the proceedings, the instant case is therefore closed.

(Signed)

Judge Marilyn J. Kaman

Dated this 7th day of June 2011

Entered in the Register on this 7th day of June 2011

(Signed)

Santiago Villalpando, Registrar, New York