



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

KALASHNIK

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON WITHDRAWAL

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 26 May 2015, the Applicant, an Investigator at the P-4 level in the Investigations Division in the Office of Internal Oversight Services, filed an application contesting his non-selection for a number of Investigator positions at the P-4 level. When assigned to a Dispute Tribunal Judge, the case was assigned to Judge Alessandra Greceanu (*ad litem* Judge at the Dispute Tribunal in New York).

2. After various case management steps, including a number of suspensions of the proceedings due to informal negotiations, by Order No. 237 (NY/2018) dated 3 December 2018 and upon the request of the parties, the Tribunal referred the case to mediation and suspended the proceedings until 15 January 2019.

3. On 22 December 2018, the General Assembly decided not to extend the *ad litem* judge position in New York, which expired on 31 December 2018 (see General Assembly resolution 73/276 (Administration of justice at the United Nations)).

4. By letter dated 15 January 2019, a Senior Mediator from the Office of the Ombudsman and Mediation Services requested, “[F]or the time for completion of the on-going mediation to be extended for one week, i.e. until 23 January 2019. The parties need more time for deliberations and continue to work in good faith in having the matter resolved”.

5. On 17 January 2019, the case was reassigned to the undersigned Judge.

6. By Order No. 14 (NY/2019) dated 17 January 2019, the Tribunal granted the request for extension of time and suspended the proceedings until 23 January 2019, at which time the parties were to inform the Tribunal as to the progress of the informal discussions and/or whether this case has been resolved. In the latter event, the

Applicant was to confirm to the Tribunal in writing that his application was withdrawn.

7. By letter dated 23 January 2019, a Senior Mediator from the Office of the Ombudsman and Mediation Services informed the Tribunal that the matter was settled in mediation and that a notice of withdrawal from the Applicant would be forthcoming in due course.

8. On 28 January 2019, the Applicant filed a “Notice of Withdrawal” in which he stated as follows,

... Pursuant to the terms and conditions of a confidential settlement agreement, the Applicant hereby withdraws his Application dated 26 May 2015 in Case No. UNDT/NY/2015/31. This withdrawal includes all the Applicant’s allegations and claims in Case No. UNDT/NY/2015/31.

... This is a full, final and entire withdrawal, including on the merits, with no right of reinstatement.

Consideration

9. The Tribunal commends the parties for their successful mediation process and sees no obstacle to the withdrawal of this case.

Conclusion

10. Case No. UNDT/NY/2015/031 is closed and the Applicant is without liberty to reinstate.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 29th day of January 2019

Entered in the Register on this 29th day of January 2019

(Signed)

Nerea Suero Fontecha, Registrar