



Before: Judge Coral Shaw

Registry: Nairobi

Registrar: Jean-Pelé Fomété

GBALLAH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON WITHDRAWAL OF
APPLICATION**

Counsel for the Applicant:

Brian Gorlick, OSLA
Seth Levine, OSLA

Counsel for the Respondent:

Stephen Margetts, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant is a staff member with the United Nations Mission in Liberia (“UNMIL”). He filed an Application with the Tribunal on 3 January 2012 challenging the decision by the Chief Transport Officer (“CTO”) to issue him with a reprimand involving an alleged theft.
2. The Respondent filed his Reply on 3 February 2012 contesting the receivability of the Application and informing the Tribunal that the reprimand will be removed from the Applicant’s file and procedures under ST/AI/371 (“Revised Disciplinary Measures and Procedures”) will be observed.
3. On 5 October 2012, the case was transferred to the undersigned Judge.

Background

4. On 23 July 2012, the Respondent filed a submission with the Tribunal informing of the removal of the reprimand letter from the Applicant’s status file. On 30 July 2012, the Applicant acknowledged receipt of the notification and maintained that his claims as set out in his Application remained.
5. On 4 October 2012, the Tribunal instructed the Applicant to file his response to the Respondent’s contention on the matter of receivability by 11 October 2012.
6. On 8 October 2012, the Applicant informed the Tribunal that the Parties had engaged the services of the Ombudsman’s Office to resolve the outstanding matters amicably and sought 30 days to pursue with mediation.
7. Accordingly the Tribunal issued Order No. 128 (NBI/2012) on 9 October 2012 suspending the proceedings for a period of thirty days up to 8 November 2012 for mediation by the Mediation Division in the Office of the United Nations Ombudsman and Mediation Services.

8. By email on 6 November 2012, the Mediation Division requested a two-month extension of time for the mediation to move forward. The Tribunal granted the request for extension by Order No. 142 (NBI/2012) on 9 November 2012 and accordingly suspended the proceedings for two months, until 9 January 2013.

9. By letter to the Tribunal on 9th January 2013, the Mediation Division requested another extension of time until 9th February 2013 for the mediation to be completed.

10. Article 15.5 of the Tribunal's Rules of Procedure provides that the time limit for mediation normally shall not exceed three months.

11. On 11 January 2013, the Tribunal issued Order No. 006 (NBI/2013) granting a suspension of the proceedings up until 11 February 2013.

12. On 18 February 2013, the Parties filed an application for extension of the deadline for mediation. The Parties informed the Tribunal that progress had been made and that the request for extension was to settle the specifics of the settlement.

13. In Order No. 042 (NBI/2013) issued on 20 February 2013, the Tribunal noted that the informal settlement of the matter is of priority to both parties and reminded them of the need to reach an amicable settlement as soon as possible and within the prescribed time. The Tribunal stated that continual applications for suspension of proceedings with no progress may amount to abuse of process and granted a final extension of time for settlement. The proceedings in the instant case were suspended up to 14 March 2013.

14. On 7 March 2013, Ms Deborah Mendez, Director of Mediation, Office of the United Nations Ombudsman and Mediation Services informed the Tribunal, informally, that this case was settled in mediation and would send the official letter in due course.

15. On 21 March 2013, Ms Mendez informed the Tribunal formally that due to the good faith efforts of all parties, the matter had been settled in mediation.

16. On 26 March 2013, the Applicant notified the Tribunal that having resolved the matter informally; he wishes to withdraw his Application in its entirety.

IT IS HEREBY ORDERED THAT:

17. In light of the above, there is no longer any matter for adjudication by the Dispute Tribunal.

18. The matter of *Gballah v. the Secretary-General of the United Nations*, registered in our records as case number UNDT/NBI/2012/002 be struck off the record.

(Signed)

Judge Coral Shaw

Dated this 28th day of March 2013

Entered in the Register on this 28th day of March 2013

(Signed)

For:
Jean-Pelé Fomété, Registrar, Nairobi