



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/076

Order No.: 5 (NBI/2024)

Date: 17 January 2023

Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: René M. Vargas M., Officer-in-Charge

EBERLEIN III

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON DISMISSAL FOR
WANT OF PROSECUTION**

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

UNDP

Introduction

1. The Applicant served with the United Nations Development Programme (“UNDP”) in Baghdad, and was separated from service on 3 March 2023 for abandonment of post (“the impugned decision”).
2. On 4 October 2023, the Applicant filed a motion for extension of time to file an application before the United Nations Dispute Tribunal sitting in Nairobi to challenge the impugned decision. He asked the Tribunal to grant him an additional month through to 4 November 2023 to file his application.
3. On 10 October 2023, the Tribunal issued Order No. 158 (NBI/2023) in which it granted the motion as requested.

Consideration

4. At the Applicant’s request, the Tribunal extended the time for the filing of his application to 4 November 2023. He did not file within that extended deadline.
5. Then, on 21 November 2023, the Registry emailed the Applicant stating that “[he] sought access to the hearing folder on the e-filing portal” and asking to “confirm whether [his] attempt to access the folder was to file [his] application?” This email received no response.
6. Finally, on 27 December 2023, the Registry emailed the Applicant noting that no filing had been received and giving him a new deadline of 29 December 2023 to file his application. The Applicant failed to file by then.
7. Thus, the Applicant has missed two deadlines and failed to respond to two queries from the Registry. The Tribunal finds that it has given the Applicant plenty of time and opportunity to comply with Order No. 158 (NBI/2023).

8. In the interest of ensuring that only current proceedings are maintained before the Tribunal, the present application stands to be dismissed (see *De La Fayette* UNDT/2010/137, para. 7).

Conclusion

9. In view of the foregoing, it is ORDERED THAT:

- a. This matter be struck out for want of prosecution and without liberty to reinstate; and
- b. Case No. UNDT/NBI/2023/076 is hereby closed.

(Signed)

Judge Sean Wallace

Dated this 17th day of January 2024

Entered in the Register on this 17th day of January 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi