		Case No.:	UNDT/NY/2016/031
	UNITED NATIONS DISPUTE TRIBUNAL	Order No.:	270 (NY/2016)
		Date:	2 December 2016
		Original:	English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Hafida Lahiouel

WILSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat
Alister Cumming, ALS/OHRM, UN Secretariat

Introduction

1.   On 19 July 2016, the Applicant, a Chief of Proactive Investigations at the Office of Internal Oversight Services, filed an application in which he contests

11.   On the same date, the Applicant emailed the New York Registry's inbox, stating that, "I am in direct discussions with the [Department] of [M]anagement and would ask that the matters be suspended; not referred to the ombudsman […] office".

12.   By Order No. 261 (NY/2016) dated 16 November 2016, the Tribunal suspended the proceedings until 21 December 2016 by which date the parties were to inform the Tribunal as to the progress of the settlement discussions and/or whether this case has been resolved. In the latter event, the Applicant was instructed to confirm to the

appeal the contested decision (*ratione personae*), within the applicable time limit (*ratione temporis*) and in front of the competent Tribunal (*ratione loci*).

17.   Consequently, to be legally valid, a request for the withdrawal of an application has to be formulated by the applicant and/or by her/his counsel and must consist of the unconditional expression of the applicant's free will to close the case before a judgment is issued.

18.   An application can be withdrawn orally and/or in writing, partially or entirely. The withdrawal request can refer either to the pending application (as a procedural act) or to the right to appeal itself.

19.   If an identical application is filed by the same applicant against the same party after she or he waived her or his right to appeal the matter, the exception of *res judicata* can be raised by the other party or *ex officio* by the court itself. *Res judicata* requires three cumulative elements: (i) same parties; (ii) same object; and (iii) same