



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/044/  
UNAT/1715  
Judgment No.: UNDT/2010/137  
Date: 30 July 2010  
Original: English

---

**Before:** Judge Ebrahim-Carstens

**Registry:** New York

**Registrar:** Hafida Lahiouel

DE LA FAYETTE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**JUDGMENT**

---

**Counsel for applicant:**  
Self-represented

**Counsel for respondent:**  
ALS/OHRM, UN Secretariat

## **Introduction**

1. The applicant's application was originally filed on 26 June 2009 with the former UN Administrative Tribunal.

2. On 9 December 2009, the respondent advised the former UN Administrative Tribunal that he had learned that the applicant had passed away. On the basis of this information, on 11 December 2009 the former UN Administrative Tribunal wrote to the applicant's Estate at her last known residential address, being that listed as her address for service in her application to the former UN Administrative Tribunal. This letter requested instructions on how the Estate wished to proceed with the applicant's pending case.

3. On 1 January 2010, the applicant's case was transferred to the Dispute Tribunal from the former UN Administrative Tribunal. The parties were advised of this by email of 26 January 2010. The applicant's email address to which this correspondence was sent was that which she had used to correspond with the former UN Administrative Tribunal and was also confirmed with the Registry of the Dispute Tribunal by the Office of Staff Legal Assistance as being her last known email address. Although the applicant was self-represented at the time of her application to the former UN Administrative Tribunal, she had had dealings with the Office of Staff Legal Assistance in its former incarnation as the Panel of Counsel.

4. In early March 2010, a representative of the Office of Staff Legal Assistance confirmed to the Dispute Tribunal that the applicant had passed away in October 2009. Subsequently, on 12 March 2010, the Dispute Tribunal wrote to the Office of Staff Legal Assistance by email, with a copy to the applicant's last known email address, confirming this understanding. It was requested that the Tribunal be advised by 26 March 2010 whether the proceedings were intended to be continued on the applicant's behalf. The Tribunal was not so advised by either the Office of Staff Legal Assistance or any other person of such intention by this date, or at all.

5. By letter dated 22 April 2010 the Tribunal wrote to the executor or executrix of the applicant's Estate at her last known residential address, being that listed as her address for service in her application to the former UN Administrative Tribunal. The Dispute Tribunal's letter advised that the applicant had an application before the Tribunal which could be continued on the applicant's behalf by her Estate. It also advised that the Estate was able to seek the assistance of the Office of Staff Legal Assistance, noting that the applicant had previously been self-represented. Neither the Dispute Tribunal, the former UN Administrative Tribunal, the respondent nor the Office of Staff Legal Assistance has been advised at any time that the address for service has changed and I think it fair to deem the receipt of this correspondence.

6. On 16 July 2010 the Office of Staff Legal Assistance confirmed to the Tribunal that it had not had any contact with or on behalf of the applicant since the Tribunal's letter of 22 April 2010 was sent. No correspondence has been received by the Tribunal on the applicant's behalf in the ensuing three-month period since the letter of 22 April 2010 was sent.

7. The case cannot proceed without the active involvement of the applicant as the *dominus litis*. Accordingly, in the interests of ensuring that only current proceedings are maintained before the Tribunal, the application stands to be dismissed.

8. Should a party, including the applicant's personal representative, come before the Tribunal in the future seeking the reinstatement of proceedings on her behalf, the Tribunal's current inability to determine whether the applicant's Estate has been informed of these proceedings may be taken into account in considering the receivability of any future application.

## **Order**

1. The application is dismissed for want of prosecution, without determination of its merits, and the case is closed.

*(Signed)*

Judge Ebrahim-Carstens

Dated this 30<sup>th</sup> day of July 2010

Entered in the Register on this 30<sup>th</sup> day of July 2010

*(Signed)*

Hafida Lahiouel, Registrar, New York