



Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: Víctor Rodríguez

JARVIS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Steven Dietrich, ALS/OHRM, UN Secretariat

Introduction

1. On 7 November 2008, the Applicant, a staff member of the International Criminal Tribunal for the former Yugoslavia, submitted an appeal to the Joint Appeals Board, contesting the amount of the lump sum paid to her to cover the cost of her most recent home leave travel and seeking payment of the difference between what she actually received and what she claims she should have received according to the rules.
2. Pursuant to the transitional measures laid down in United Nations General Assembly resolution 63/253, the appeal was transferred to the United Nations Dispute Tribunal as of 1 July 2009.

Facts

3. On 20 November 2009, the Tribunal issued Judgment UNDT/2009/077, rejecting the appeal as inadmissible.
4. The Applicant filed an appeal before the United Nations Appeals Tribunal against the above-mentioned Judgment and on 30 March 2010, the Appeals Tribunal rendered Judgment 2010-UNAT-031, *Jarvis*. It annulled “the UNDT decision that the application is not receivable and remand[ed] the case to the UNDT for a judgment on the merits”.
5. By letter dated 1 June 2010, the Dispute Tribunal requested the Respondent to submit, within a month, a reply on the merits of the application.
6. The Respondent’s reply was received on 8 July 2010 and on 9 July, the Tribunal requested the Applicant to submit comments by 23 July 2010.
7. On 21 July 2010, the Applicant requested an extension of time until 13 August 2010 to file comments on the Respondent’s reply “so that the parties [could] explore the possibility of an informal settlement of [her] claim, for example by mediation”. On the same day, the Tribunal granted the requested extension.
8. In a joint submission received by the Tribunal on 13 August 2010, the parties informed the Tribunal that, pursuant to article 15 of the UNDT Rules of

Procedure, they had decided to seek the assistance of the Mediation Division and requested that the proceedings be suspended pending the outcome of the mediation process.

9. By Order No. 68 (GVA/2010) of 16 August 2010, the Tribunal referred the case to the Mediation Division and suspended the proceedings for a period not to exceed three months.

10. By email dated 16 November 2010, the parties through the Director of the Mediation Services requested an extension of time until 17 December 2010 in order for mediation proceedings to be completed. The Tribunal granted the extension by Order No. 85 (GVA/2010) of 18 November 2010.

11. On 14 December 2010, the Director of the Mediation Services informed the Tribunal that the parties had reached a successful resolution and signed a confidential settlement agreement.

12. On 15 December 2010, the Applicant wrote to the Tribunal to request the withdrawal of her application following successful mediation proceedings.

Conclusion

13. The Applicant having withdrawn her application, there is no longer any matter for adjudication and the case is closed.

(Signed)

Judge Jean-François Cousin

Dated this 17th day of December 2010

Entered in the Register on this 17th day of December 2010

(Signed)

Víctor Rodríguez, Registrar, UNDT, Geneva