



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/078

Judgment No. UNDT/2010/216

Date: 22 December 2010

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Santiago Villalpando

BARRINGER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Melissa Bullen, ALS/OHRM, UN Secretariat

4. According to the Respondent, on 6 April 2010 the PCO was informed by OHRM that there were two eligible candidates at the 30-day mark (this did not include the Applicant). No eligible candidates had been identified at the 15-day mark. Both 30-day candidates were interviewed on 20 April 2010. The panel unanimously found one of the two candidates to be qualified and suitable for the post, and determined that she should be recommended. The outcome of the interviews was then forwarded to the Under-Secretary-General for Management and the Assistant Secretary-General, OHRM, by memorandum dated 27 April 2010.

5. On 5 May 2010 the Applicant contacted OHRM to inquire about his standing in the selection process, which reviewed his application and determined that he had been originally misclassified as a 60-day candidate. His eligibility was changed to a 30-day candidate and the PCO and the Applicant were informed about this. The recruitment process was suspended, and the Applicant was interviewed on 11 May 2010, but the interview panel did not find him suitable for the post. According to the Applicant, he was, however, never informed about the reasons for rejecting his candidacy. The recommendation of the successful candidate was therefore maintained.

6. According to the Respondent, on 14 Ma

11. The Applicant noted my explanation and affirmed that he believed that his application for a suspension of action was moot. He therefore decided to withdraw that application and reserve his rights to move a substantive application if necessary. This withdrawal was confirmed by Order No. 156 (NY/2010) which was sent to the Parties on 18 June 2010.

12. In the intervening six-month period, no further correspondence, application or pleadings have been received by the Tribunal from either party to the proceedings. As noted by this Tribunal in *Saab-Mekkour* UNDT/2010/047 and *Monagas* UNDT/2010/074, an applicant must continue to have a legitimate interest in the maintenance of his or her proceedings. As this is no longer the case in this matter, the proceedings shall be closed.

Conclusion

13. In light of the Applicant's withdrawal of his application for suspension of action and subsequent lack of prosecution of the proceedings, there is no matter for adjudication before the Tribunal. The application is dismissed for want of prosecution, without determination of its merits, and the case is closed.

(Signed)

Judge Ebrahim-Carstens

Dated this 22nd day of December 2010

Entered in the Register on this 22