

5. By Order No. 92 (NY/2018) dated 27 April 2018, the Tribunal suspended the proceedings until 7 May 2018 and requested the parties to inform the Tribunal, by the same date, as to the progress of the mediation discussions and/or whether this case has been resolved.

6. On 4 May 2018, Counsel for the Applicant filed a motion of withdrawal, stating that:

... The Applicant hereby notifies the Tribunal that she has received her full entitlements on 28 April 2018, including relocation and assignment benefits. The Applicant acknowledges that her [Dispute Tribunal] application is now moot and would therefore respectfully request that the case be closed.

... The Applicant further confirms that the withdrawal of her application is full, final and covers the merits of the instant case.

Consideration

7. The Tribunal commends the Applicant for withdrawing the present case based on the informal resolution between the parties. This saves valuable resources and contributes to a harmonious working relationship between the parties.

8. The Tribunal considers that each person has the fundamental human right to free access to justice, which includes the right to file an application in front of an impartial Tribunal, and therefore also the right to withdraw that application.

9. An application represents the materialization of an applicant's right to appeal the contested decision. This is the first procedural act by which an applicant invests the Tribunal of dealing with the appeal. The whole procedural activity will take place within its limits and the application must be filed by the person who has the right to appeal the contested decision (*ratione personae*), within the applicable time limit (*ratione temporis*) and in front of the competent Tribunal (*ratione loci*).

10. Consequently, to be legally valid, a request for the withdrawal of an application has to be formulated by the applicant and/or by his/her Counsel and must

consist of the unconditional expression of the applicant's free will to close his/her case before a judgment is issued.

11. An application can be withdrawn orally and/or in writing, partially or entirely.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.

12. 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

IT IS ORDERED THAT:

16. The Applicant has withdrawn the matter in finality. There being no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2018/015 is hereby closed without liberty to reinstate.

(Signed)

Judge Alessandra Greceanu

Dated this 7th day of May 2018