



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Santiago Villalpando

HERNANDEZ

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:
Bart Willemsen, OSLA

Counsel for Respondent:
Not yet indicated

Introduction

1. On 28 June 2011 Counsel for the Applicant filed a “Request for extension of time to file an application, in the alternative to suspend the proceedings”.

2. In the request, Counsel for the Applicant explained that the Applicant, currently a Security Officer at the United Nations Secretariat in New York, wished to contest the decision to terminate his former appointment with the *Comisión Internacional contra la Impunidad en Guatemala* (“CICIG”), of which he was informed on 29 March 2011 and notified in writing on 30 March 2011. However, Counsel for the Applicant explained that the Applicant was “uncertain whether the Tribunal will be competent to hear and pass judgment on such an appeal and he therefore respectfully request[ed] a limited extension of the time limit of two weeks in order to determine the same and file, if any, his appeal”. Counsel for the Applicant informed the Tribunal that he was, as yet, unable to determine whether the Dispute Tribunal had jurisdiction in appeals from CICIG.

3. On 29 June 2011, by Order No. 165 (NY/2011), the Tribunal granted the Applicant an extension until 5 p.m. on 13 July 2011 to file a substantive appeal, if any.

4. On 13 July 2011 Counsel for the Applicant informed the Tribunal that “further research has indicated that the Tribunal would not be competent to hear and pass judgment on his appeal, which obviates the need to file a substantive appeal”.

Consideration

5. The Tribunal considers that, in the circumstances of the Applicant having informed the Tribunal that he will not file an application because the Tribunal lacks jurisdiction in this matter, the proceedings have been abandoned.

Conclusion

6. Case No. UNDT/NY/2011/053 is hereby closed for want of prosecution.

(Signed)

Judge Judge Ebrahim-Carstens

Dated this 15th day of July 2011

Entered in the Register on this 15th day of July 2011

(Signed)

Santiago Villalpando, Registrar, New York