

UNDT/2013/114, Wisdom-Cofie

UNAT Held or UNDT Pronouncements

Any decision issued by the Advisory Board on Compensation Claims(ABCC) will be a new administrative decision which will supersede the one contested in the present case and which will be subject to this Tribunal's authority upon the filing of an application by either of the concerned parties.

Decision Contested or Judgment/Order Appealed

The Applicant sought to reinstate a case that was previously suspended by the former Administrative Tribunal resulting in it never being transferred to the UNDT. Upon seeking that case's reinstatement, the Applicant sought to have it suspended by the UNDT pending the completion of informal resolution in front of the ABCC.

Legal Principle(s)

Under Resolution 62/253 adopted by the General Assembly on 24 December 2008 and ST/SGB/2009/11, all cases pending before the former Administrative Tribunal as of 1 January 2010 were to be transferred to the UNDT. Consequently, even though this case was not transferred to the UNDT by the former Administrative Tribunal, due to the fact that it was still pending before the former Administrative Tribunal on 31 December 2009, it is properly before the UNDT. The request to transfer it from the former Administrative Tribunal to the Dispute Tribunal is without object and the case is considered reinstated in front of UNDT from 24 October 2012. A case cannot be maintained pending in front of the Tribunal sine die only as an alternative solution to the informal proceedings. When parties decide to resolve a case pending before the Tribunal using an informal process they have to do so within a reasonable amount of time. An informal process initiated after the case was registered is an alternative solution to the formal process and not vice-versa

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Wisdom-Cofie

Entity

ABCC

Case Number(s)

UNDT/NY/2012/081

Tribunal

UNDT

Registry

New York

Date of Judgement

9 May 2013

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

TEST -Rename- Benefits and entitlements-45

Standard of review (judicial)

Applicable Law

GA Resolutions

- A/RES/62/253

Secretary-General's bulletins

- ST/SGB/2009/11

Related Judgments and Orders

UNDT/2009/020

UNDT/2009/061

UNDT/2009/062

UNDT/2010/003

UNDT/2010/020

2010-UNAT-006