

# **UNDT/2013/120, Applicant**

## UNAT Held or UNDT Pronouncements

The withdrawal request was filed more than two years after the initial application and prior to it the Applicant never requested a joinder of the present case and Case No. UNDT/NY/2012/070. The Applicant did not present sufficient legal grounds to grant his request for joinder. Although the Tribunal no longer needs to make a determination on the merits, the present decision represents a final disposal of the matter and the Tribunal will consider it withdrawn in finality, including on the merits. The application is dismissed in its entirety without liberty to reinstate. There are no exceptional circumstances which can justify a measure to preserve the confidentiality of evidence such as placing under seal all the documents included in the case file upon the withdrawal of the application. Furthermore, case files are kept confidential and are not available to the public notwithstanding an order from the Tribunal. The request for the documents contained within the case file be placed under seal is to be rejected. Taking into consideration that the Applicant has withdrawn his case, and in line with his right to privacy, his name is to be redacted from the Judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to impose on him the disciplinary sanction of a written censure. Prior to the issuance of the judgment the Applicant filed a motion requesting: 1) the joinder of the present case with Case No. UNDT/NY/2012/070; 2) the withdrawal of his application for these cases; 3) that the documents in both cases be sealed to preserve the confidentiality of the Applicant.

## Legal Principle(s)

N/A

## Outcome

Closed on withdrawal

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Applicant

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2011/012

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

10 Apr 2013

## Duty Judge

Judge Greceanu

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Procedure (first instance and UNAT)

## Applicable Law

UNDT RoP

- Article 18.4

## Related Judgments and Orders

UNDT/2013/108