

# UNDT/2014/038, Hassanin

UNAT Held or UNDT Pronouncements

In the present case, the parties reached an agreement through mediation after the application was filed and the Tribunal will reject the application as being nonreceivable.

Decision Contested or Judgment/Order Appealed

Reduced overtime compensation.

Legal Principle(s)

Art. 8.2 of the Tribunal's Statute does not distinguish between reaching an agreement through mediation before or after the filing of an application with Dispute Tribunal. Consequently, the Tribunal considers that art. 8.2 applies to all cases where the parties reach an agreement through mediation regardless of when that occurs. In accordance with the general principle of law: *ubi lex non distinguit, nec nos distinguere debemus*, where the law does not making a distinction, the interpreter (Judge) cannot make a distinction either.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Hassanin

Entity

DGACM

Case Number(s)

UNDT/NY/2011/037

Tribunal

UNDT

Registry

New York

Date of Judgement

10 Apr 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 8.2