

# UNDT/2018/128, Lee

## UNAT Held or UNDT Pronouncements

Since the Applicant withdrew the application, there is no longer a matter for adjudication and therefore the case is closed.

## Decision Contested or Judgment/Order Appealed

The decision of the Administration to reduce the Applicant's contracted salary and the manner of the implementation of the Unified Salary Scale.

## Legal Principle(s)

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 An application can be withdrawn orally and/or in writing, partially or entirely.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

## Outcome

Closed on withdrawal

Full judgment

[Full judgment](#)

Applicants/Appellants

Lee

Entity

OLA

Case Number(s)

UNDT/NY/2017/055

Tribunal

UNDT

Registry

New York

Date of Judgement

14 Dec 2018

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Applicable Law

UNDT RoP

- Article 8.4