

# UNDT/2019/036, Shlapachenko

## UNAT Held or UNDT Pronouncements

Since the Applicant withdrew all allegations and claims in finality, including on the merits with no right of reinstatement, there is no longer a matter for adjudication and therefore the case is closed.

## Decision Contested or Judgment/Order Appealed

Contested the Administration's decision to exclude the Applicant from the Resident Coordinator pool of candidates.

## Legal Principle(s)

The desirability of finality of disputes within the workplace cannot be gainsaid. The desirability of finality of disputes in proceedings requires that a party should be able to raise a valid defence of res judicata, which provides that a matter between the same persons, involving the same cause of action, may not be adjudicated twice. Matters that stem from the same cause of action, though they may be couched in other terms, are res judicata, which means that an applicant does not have the right to bring the same complaint again. The object of the res judicata rule is that "there must be an end to litigation" in order "to ensure the stability of the judicial process" and that a party should not have to answer the same cause twice. Once a matter has been resolved, a party should not be able to re-litigate the same issue. An unequivocal withdrawal means that the matter will be disposed of such that it cannot be reopened or litigated again.

## Outcome

Closed on withdrawal

Full judgment

[Full judgment](#)

Applicants/Appellants

Shlapachenko

Entity

DPA

Case Number(s)

UNDT/NY/2018/042

Tribunal

UNDT

Registry

New York

Date of Judgement

28 Feb 2019

Duty Judge

Judge Carstens

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

None

Related Judgments and Orders

2010-UNAT-026bis

2010-UNAT-063

2010-UNAT-066

2011-UNAT-129

2012-UNAT-198

UNDT/2011/104