

# **2012-UNAT-235, Wilson**

## UNAT Held or UNDT Pronouncements

To the extent that the UNDT's Order acknowledged that the Appellant withdrew his application and granted the request for withdrawal, UNAT upheld the Order. In every other regard, UNAT upheld the arguments made by the Appellant as to the manner in which UNDT granted the withdrawal request. UNAT held that UNDT erred in law and went beyond its jurisdiction in effectively embarking on a consideration of the merits of the case and in speculating about the Appellant's motivation in bringing his application. UNAT ordered that the recital of "Facts" in paragraphs 4 to 7 and "Considerations" in paragraphs 8 to 11 should be redacted from Order No. 127 (GVA/2011).

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision by the former Director-General of the United Nations Office at Vienna (UNOV) concerning the waiving of immunities regarding traffic violations that occurred in a staff member's private capacity. The Applicant informed UNDT that he had decided to withdraw his application. In Order No. 127(GVA/2011), UNDT declared the closure of the case without adjudication of its merits. However, in the course of its "Considerations" UNDT observed that the arguments put forward by the Applicant raised concerns about the true motivation and good faith of the Applicant and seemed to point towards abuse of proceedings.

## Legal Principle(s)

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## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Wilson

## Entity

UNOV

## Case Number(s)

2011-254

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Jun 2012

## President Judge

Judge Faherty

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)  
Manifest excess of jurisdiction

## Applicable Law

UNDT RoP

- Article 19

UNDT Statute

- Article 10.6