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Case No.: UNDT/GVA/2014/005

## Introduction

1. The applicant filed on 6 March 2014 the Appeal and contests the decision to admit a master and date of the transfer to one of the hosts of the domain (the "domain") at the date of the decision. The decision of the Commission of Conciliation and Arbitration (CCAA) issued under Article 3 of the Arbitration Rules of the CCAA No. 167AN6UN3G628868696G/N/VA.70.P65.1e\$0.

2. The respondent requests the revocation of the decision to select the other date for one of the hosts. The selected date is 50 and that the selection procedure (established. At the oral hearing) was satisfied that the respondent did not see compensation for moral damages.

## Facts

3. From 16 March to 15 June 2014 the hosts of the domain (the "domain") filed a request for the revocation of the decision under Article 3 of the Arbitration Rules of the CCAA No. 167AN6UN3G628868696G/N/VA.70. The respondent has identified to a domain (J3







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d. The Applicant did not submit any evidence to establish that the Respondent's decision was based on the Respondent's subjective assessment of the Applicant's performance. The Respondent's decision was based on the Respondent's subjective assessment of the Applicant's performance.

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#### Consideration

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22. The respondent's position is stated as follows: The respondent argues that the Commission's decision is not supported by the staff (see para. 10.10 and from the evidence) and that the respondent's position is not supported by the Commission's decision. The respondent also argues that the Commission's decision is not supported by the Commission's decision. The respondent also argues that the Commission's decision is not supported by the Commission's decision.

23. The respondent's position is stated as follows: The respondent argues that the Commission's decision is not supported by the staff (see para. 10.10 and from the evidence) and that the respondent's position is not supported by the Commission's decision. The respondent also argues that the Commission's decision is not supported by the Commission's decision. The respondent also argues that the Commission's decision is not supported by the Commission's decision.



29. As a matter of fact upon the transfer of the host of C)ef\* -, \* to DGAC ' at the end of ,e#tem2e( 201 \* -, +as de#(led of the D61 #ost\* t)oug) the respondent noted and admitted that the need of se(1&e fo( t)at #ost &ontinued to exist. -n t)at situation\* t)he Adm%n%st(at)on of UN3G acted as if t)he D61 #ost )ad not been transferred to the extent that it authorized an 3-C to +)om %t eBtended\* de facto\* t)he same auto(" tested on the C)ef\* -, \* t)at %s\* inter alia\* to act as : %(ng ' anage( fo( t)he &ontested host.

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5. Upon the Tribunal's findings, the respondent is ordered to pay to the applicant the amount of the damages.

### Conclusion

6. In the light of the findings of the Tribunal,

a. The decision to set aside the award made by the arbitrator in the first award (J3 1 67AN6UN3G628868696G/N/VA .70 .P65 \$e1e\$0 %s (es&%inded@

2. In case the respondent elects to pay the amount of the award to the applicant, the amount shall be set at U.S.D. \$200,000.

&. The aforementioned award shall be set aside with effect from the date of this Judgment and the respondent shall be ordered to pay to the applicant the amount of said award. 2a3 .0078q5Tn7 ] T J D-28.32 -20.76 T d D [