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Motio n f or int er im measur es

20. The Applicant, on 10 November 2017, filed a motion for interim measures pending proceedings pursuant to art 10.2 of the Tribunal’s Statute which provides:

At any time during the proceedings, the Dispute Tribunal may order
an interim measure, which is without appeal, to provide temporary
relief to either party, where the contested administrative decision
appears prima facie to be unlawful, in cases of particular urgency,
and where its implementation would cause irreparable damage. This
temporary relief may include an order to suspend the implementation of the contested administrative decision, except in
cases of appointment, promotion or termination.

21. The Applicant described the contested decision that he sought to have suspended as “denial of special sick leave and putting [him] on [SLWOP]”.

22. The Tribunal notes that a motion for interim measures under art 10.2 of its Statute is dependent on the existence of a substantive matter pending before it. As indicated above, the substantive matter before the Tribunal was the Applicant’s challenge to the decision of the Secretary, ABCC, denying his claim for compensation for injuries under Appendix D to the Staff Rules.

23. Since that decision was rescinded, the substantive case has become moot and the Tribunal does not have a live matter before it to adjudicate upon.

24. The lack of existence of a substantive matter makes any motion for interim measures moot�� �(scaࠓ��䠀asuresub

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Conclusion

26. In view of the foregoing, the Tribunal DECIDES:

a. The application against the decision by the Secretary, ABCC, to
reject the Applicant’s claim for compensation under Appendix D is moot and
is dismissed;

b. Since the application on the merits has become moot, the motion for interim measures is not receivable, and is dismissed; and

c. The Applicant’s challenge against the outcome of the MEU review is
not receivable by the Tribunal, the application in that respect is dismissed.

(Signed)
Judge Teresa Bravo
Dated this 17th day of November 2017

Entered in the Register on this 17th day of November 2017
(Signed)
René M. Vargas M., Registrar, Geneva