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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2021-1521

**Fabio Bencivenga**

**(Appellant)**

**v.**

**President of the  
International Fund for Agricultural Development  
(Respondent)**

**ORDER No. 439 (2022)**

1. On 8 August 2019, Fabio Bencivenga (Mr. Bencivenga), a staff member of the International Fund for Agricultural Development (IFAD), filed a statement of appeal to the Organization's Joint Appeals Board (JAB).
2. In his appeal, Mr. Bencivenga challenged the outcome of a Request for Reconsideration dated 8 July 2019, which confirmed an initial decision of the Administration to reassign him to the position of Field Support Associate, grade G-6, in the Field Support Unit based in Rome. As a form of relief, he *inter alia* sought to be appointed to one of three P-2 posts that he had previously expressed an interest in.
3. On 20 November 2020, the JAB issued a decision dismissing the appeal and finding no illegality in the challenged administrative decision.
4. On 18 February 2021, counsel for Mr. Bencivenga filed an appeal to the United Nations Appeals Tribunal (Appeals Tribunal) against the above JAB decision. On 19 July 2021, the Respondent filed his answer.
5. On 4 January 2022, counsel for Mr. Bencivenga filed a motion seeking to withdraw the appeal. The Respondent did not file any comments, despite being afforded an opportunity to do so.

6. The Appeals Tribunal has consistently held that “a party may withdraw an appeal simply by giving notice and need not necessarily provide any further justification”.<sup>1</sup> An appellant therefore may file a motion seeking to withdraw his or her appeal. In accordance with Article 18bis (2) of the Appeals Tribunal Rules of Procedure (Rules): “If, before the opening date of the session during which the case is to be considered, the appellant informs the Appeals Tribunal, in writing, with notice to the respondent, that he or she wishes to discontinue the proceedings, the President may order the case to be removed from the register.”

**IT IS HEREBY ORDERED** that Mr. Bencivenga’s request is **GRANTED**, and the appeal will be closed.

Original and Authoritative Version: English

Dated this 28<sup>th</sup> day of January 2022  
in Juiz de Fora, Brazil.

*(Signed)*  
Judge Martha Halfeld,  
Presiding

Entered in the Register on this 28<sup>th</sup> day  
of January 2022 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar

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<sup>1</sup> See *Kusuma v. Secretary-General of the United Nations*, Order No. 211 (2015), quoting *Amar v. Secretary-General of the United Nations*, Order No. 73 (2011) and cites therein.