



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/011
Order No.: 19 (NY/2018)
Date: 29 January 2018
Original: English

Before: Judge Alexander W. Hunter, Jr.
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

KISIA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat
Alister Cumming, ALS/OHRM, UN Secretariat

Introduction

1. On 2 February 2017, the Applicant, a former staff member, contested the following administrative decisions:

- a. “Unlawful failure of the Administration to act, in regards to the issues the Applicant raised with the [Assistant Secretary-General of the Office of Human Resources Management] on November 30, 2016”;
- b. “Unlawful deductions of the Applicant’s termination indemnity payment by the Administration”, and
- c. “Due Process violations.”

2. On the same date (2 February 2017), the Registry acknowledged receipt of the application and, pursuant to art. 8.4 of the Rules of Procedure, transmitted it to the Respondent, instructing him to file a reply by 8 March 2017 in accordance with art. 10 of the Rules of Procedure.

3. On 8 March 2017, the Respondent filed his reply in which he contended that the application was not receivable *ratione temporis* as the Applicant did not request management evaluation of the contested decision within the 60-day time limit specified in staff rule 11.2(c). He further submitted that, in any event, the application was without merit because the Organization properly calculated the Applicant’s termination indemnity.

4. On 22 January 2018, the Tribunal issued Order No. 14 (NY/2018) in which it considered that “[...] relief ha[d] already been granted by the reply” and ordered the Applicant “to file a response to the Respondent’s reply [by 25 January 2018], including comments on whether relief ha[d] already been granted.” The Tribunal further ordered that the Applicant file a notice of withdrawal in the event he found that relief had already been granted.

5. On 25 January 2018, the Applicant filed a notice of withdrawal.

6. The Tribunal commends the parties for their successful *inter partes* settlement negotiations and sees no obstacle to the withdrawal of this case.

IT IS ORDERED THAT:

7. Case No. UNDT/NY/2017/011 is closed and the Applicant is without liberty to reinstate.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 29th of January 2018