



Before: Judge Thomas Laker

Registry: Geneva

Registrar: Víctor Rodríguez

CORCORAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:
Marcus Joyce

Counsel for respondent:
Stephen Margetts, ALS/OHRM, UN Secretariat

Introduction

1. On 13 March 2009, the applicant submitted to the Joint Appeals Board (JAB) in New York a complete statement of appeal against the decision not to renew her fixed-term contract “as conveyed to [her] on 2 June 2008”. This appeal was transferred to this Tribunal on 1 July 2009, where it was registered under case No. UNDT/GVA/2009/50.

2. The applicant’s fixed-term appointment was subsequently renewed and she was informed on 12 October 2009 that it would not be extended beyond 12 November 2009. The applicant submitted a request for suspension of action of that decision to the UNDT on 3 November 2009 and the Tribunal ordered on 11 November 2009 that the decision be suspended during management evaluation. The applicant subsequently submitted to the UNDT an application against the decision of 12 October 2009 on 2 March 2010, where it was registered as case No. UNDT/GVA/2009/89.

Facts

3. On 26 May 2010, a directions hearing was held with respect to both applications, UNDT/GVA/2009/50 and UNDT/GVA/2009/89, during which a number of issues, including the receivability of application UNDT/GVA/2009/50, were addressed. The applicant agreed during the directions hearing to consider whether to withdraw application UNDT/GVA/2009/50 and to inform the Tribunal of her decision thereupon within one week.

4. On 31 May 2010, counsel for applicant advised the Tribunal that the applicant applied to withdraw application UNDT/GVA/2009/50, without prejudice to her right to raise the substantive issues addressed in application UNDT/GVA/2009/50 in the context of the ongoing proceedings of UNDT/GVA/2009/89.

Considerations

5. The Tribunal took note of the applicant's withdrawal of application UNDT/GVA/2009/50, further to the Tribunal's pointing out concerns with regard to its receivability at the directions hearing.

6. It also noted that this withdrawal does not mean that the applicant will be precluded from raising the substantive issues addressed in application UNDT/GVA/2009/50 in the framework of application UNDT/GVA/2009/89.

Conclusion

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

Application UNDT/GVA/2009/50 having been withdrawn, there is no longer any matter for adjudication before the Tribunal. Consequently, the proceedings in application UNDT/GVA/2009/50 are closed.

(Signed)

Judge Thomas Laker

Dated this 1st day of June 2010

Entered in the Register on this 1st day of June 2010

(Signed)

Víctor Rodríguez, Registrar, Geneva