



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/016/
UNAT/1613
Judgment No.: UNDT/2010/162
Date: 9 September 2010
Original: English

Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Michelsen, Officer-in-Charge

KURSPAHC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

Caroline Nicholas

Counsel for respondent:

Ingeborg Daamen, UN Office on Drugs and Crime

Introduction

1. The applicant challenges the non-renewal of his fixed-term contract, alleging that it was improperly motivated, that the Organisation failed to make a proper effort to find him an alternate post upon the abolition of his former post, and that the process which resulted in the closure of the UN Office on Drugs and Crime Caribbean Regional Office, where he worked, was flawed. On this basis he seeks compensation in the amount recommended by the Joint Appeals Board (JAB), being two years and two months' net base salary, plus interest.

Facts

2. On 16 February 2006 the applicant was advised that his fixed-term contract, which was to end on 31 July 2006, would not be renewed. He sought administrative review of this decision and ultimately, the outcome of the administrative review process being unsatisfactory to him, submitted a statement of appeal to the JAB on 17 October 2006.

3. In the JAB Report to the Secretary-General, the JAB made findings in the applicant's favour and recommended payment of the compensation he seeks in this application. The Secretary-General, however, rejected the findings and recommendation of the JAB.

4. On 18 June 2008 the applicant filed an application with the UN Administrative Tribunal appealing the Secretary-General's decision not to adopt the recommendation of the JAB.

5. On 12 January 2010 the parties were advised that the case had been transferred to the New York Registry of the UN Dispute Tribunal.

6. On 20 April 2010 the Tribunal issued Order No. 78 (NY/2010) requiring the parties to meet and discuss matters identified in the Order and to confirm, *inter alia*,

whether in light of a change in circumstances or developments in jurisprudence, the dispute would not benefit from being referred to mediation.

7. Subsequent to Order No. 78, on 27 May 2010 the parties requested an opportunity to pursue informal settlement negotiations. An extension of time to comply with Order No. 78 was granted by the Tribunal pursuant to art. 10 of its Statute in order to allow the parties an opportunity to pursue informal resolution of the dispute.

8. Following subsequent extensions of time, on 31 August 2010 the Tribunal issued Order No. 232 (NY/2010) requiring the applicant to either confirm whether the matter had been settled or to respond substantively to Order No. 78.

9. On 1 September 2010 the applicant filed a Notice of Withdrawal confirming that “the dispute arising from the contested administrative decision had been resolved by an agreement between the Parties”.

Conclusion

10. This dispute having been settled, the applicant has withdrawn the application, with neither party making any submission as to costs. The application having been withdrawn, there is no longer any matter for adjudication before the Tribunal, and the case is closed.

(Signed)

Judge Ebrahim-Carstens

Dated this 9th day of September 2010

Entered in the Register on this 9th day of September 2010

(Signed)

Morten Michelsen, Officer-in-Charge, UNDT, New York