



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-855

**Baracungana
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

ORDER No. 243 (2015)

REQUEST FOR WITHDRAWAL OF APPEAL

1. On 13 July 2015, the United Nations Dispute Tribunal (Dispute Tribunal) in Nairobi issued Judgment No. UNDT/2015/067/Corr.1 in the case of *Baracungana v. Secretary-General of the United Nations*, in which it rejected the application filed by Mr. Severin Baracungana as time-barred.
2. On 28 September 2015, Mr. Baracungana appealed that judgment to the United Nations Appeals Tribunal (Appeals Tribunal). However, on 16 October 2015, he filed a Motion to withdraw his appeal on the ground that the Dispute Tribunal that had issued Judgment No. UNDT/2015/067/Corr.1 subsequently issued Judgment No. UNDT/2015/067/Corr.2, in which it reversed itself and declared his application receivable. Having learned that the Respondent would not appeal Judgment No. UNDT/2015/067/Corr.2, Mr. Baracungana requests permission to withdraw his present appeal.
3. On 3 November 2015, the Office of Legal Affairs representing the Respondent advised the Registry of the Appeals Tribunal that it had no comments on Mr. Baracungana's Motion to withdraw his appeal of Judgment No. UNDT/2015/067/Corr.1.

4. The Appeals Tribunal has routinely granted motions to withdraw appeals when the non-moving parties express no objection, as there is “no reason to require [a party] to pursue an appeal he [or she] no longer deems necessary in the context of his [or her] case”.¹

IT IS HEREBY ORDRED that Mr. Baracungana’s Motion to withdraw his appeal be granted, and that the case be closed and removed from the Appeals Tribunal’s docket.

Original and Authoritative Version: English

Dated this 2nd day of December 2015
in Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman, President

Entered in the Register on this 2nd day of
December 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Teferra v. Secretary-General of the United Nations*, Order No. 16 (2010). See also *Abu Al Haija v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 222 (2015), quoting *Kusuma v. Secretary-General of the United Nations*, Order No. 211 (2015) and cites therein.