



United Nations Dispute Tribunal

Case No.: UNDT/GVA/2009/23
Judgment No.: UNDT/2009/043
Date: 16 October 2009
English
Original: French

Before: Judge Jean-François Cousin
Registry: Geneva
Registrar: Víctor Rodríguez

LUNSHOF

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:
Self-represented

Counsel for respondent:
Shelly Pitterman, DHRM/UNHCR

Notice: The format of this judgment has been modified for publication purposes in accordance with article 31 of the rules of procedure of the United Nations Dispute Tribunal.

Application

1. In his appeal to the Joint Appeals Board, registered on 19 December 2008, the applicant requested it to recommend that:

- The decision of the United Nations High Commissioner for Refugees regarding the promotion to the P-5 level of UNHCR staff during the 2007 promotion session should be rescinded;
- The High Commissioner's decision not to promote the applicant to the P-5 level during the 2007 promotion session should be rescinded;
- The High Commissioner should adopt new rules on promotions; and
- He should be awarded compensation for harm arising from the unlawful decision and for the suffering caused to him.

2. In its resolution 63/253, the General Assembly decided that all cases pending before the Joint Appeals Board as at 1 July 2009 would be transferred to the United Nations Dispute Tribunal.

3. At a hearing before the Tribunal on 24 September, the applicant stated that he had decided to withdraw his application, as he had reached an agreement with UNHCR. The UNHCR representative orally confirmed this and accepted the withdrawal.

4. By letter of 28 September 2009, the applicant confirmed his desire to withdraw his application. In light of the above, there is no reason why the applicant should not do so, and it remains for the Tribunal to take note of this fact.

5. For these reasons, the Tribunal DECIDES:

The applicant's withdrawal is duly noted.

Judge Jean-François Cousin

Dated this 16th day of October 2009

Entered in the Register this 16th day of October 2009

Víctor Rodríguez, Registrar, UNDT, Geneva