



Before: Judge Thomas Laker

Registry: Geneva

Registrar: Víctor Rodríguez

McKAY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

George G. Irving

Counsel for respondent:

Josianne Muc, ALS/OHRM, UN Secretariat

Stephen Margetts, ALS/OHRM, UN Secretariat

Introduction

1. On 23 September 2009, the Counsel for Applicant filed an application with the United Nations Dispute Tribunal (UNDT) contesting the decision of 2 October 2008, which approved the recommendation of the Advisory Board on Compensation Claims (ABCC) to grant compensation under Appendix D of the Staff Regulations and Rules following the death of the Applicant's husband, who was a staff member of the United Nations Interim Force in Lebanon (UNIFIL) until he died on 28 January 2007. She requested, inter alia, the rescission of the decision, compensation on various accounts and reimbursement of certain expenses.

Facts

2. On 13 April 2010, a directions hearing was held, during which a number of issues, including the receivability of the application at that point of the proceedings, were addressed. In particular, the Tribunal conveyed its concerns relating to the non-exhaustion of the relevant administrative remedies prior to the filing of the present application. The Applicant agreed to consider whether to withdraw her application and to inform the Tribunal of her decision thereupon within one week as from the date of the hearing, that is, by 20 April 2010 at the latest.

3. On 20 April 2010, the Counsel for Applicant advised the Tribunal that the Applicant "wishes to withdraw her present application, without prejudice of her right to initiate new proceedings concerning the same substantive questions at stake in the present case".

Considerations

4. The Tribunal takes note that the Applicant withdraws her application at this stage, further to the Tribunal's pointing out concerns with regard to receivability during the directions hearing.

5. It is also noted that this withdrawal does not mean that the Applicant will be precluded from seeking redress in the future for any of the issues that she raised, in accordance with relevant procedural rules.

Conclusion

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

This appeal having been withdrawn, there is no longer any matter for adjudication before the Tribunal. Consequently, the proceedings are closed.

(Signed)

Judge Thomas Laker

Dated this 20th day of April 2010

Entered in the Register on this 20th day of April 2010

(Signed)

Víctor Rodríguez, Registrar, UNDT, Geneva