



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/015/  
UNAT/1611  
Judgment No.: UNDT/2010/127  
Date: 21 July 2010  
Original: English

---

**Before:** Judge Ebrahim-Carstens  
**Registry:** New York  
**Registrar:** Hafida Lahiouel

WYZNER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**JUDGMENT**

---

**Counsel for applicant:**  
Lynette Cunningham, OSLA

**Counsel for respondent:**  
Susan Maddox, ALS/OHRM, UN Secretariat

## **Introduction**

1. The applicant appealed the respondent's decision of 5 October 2007 that the applicant was not entitled to a repatriation grant as the Vice-Chairman of the International Civil Service Commission. The letter containing the decision stated, in essence, that the inclusion of the entitlement in the applicant's letter of appointment was a mistake, that the then Under-Secretary-General for Management did not have the authority to include a repatriation grant in the applicant's letter of appointment and that the applicant was not entitled to receive an additional repatriation grant to that which he had originally received upon separation from service with the Organization in 1993. The applicant contended that the wording of his contract was intentional and that he was entitled to the repatriation grant.

## **Facts**

2. On 10 July 2008, the former United Nations Administrative Tribunal received the applicant's appeal. The respondent's answer was received on 21 January 2009.

3. On 1 January 2010, the case was transferred to the United Nations Dispute Tribunal upon the abolishment of the Administrative Tribunal, effective 31 December 2009, as decided by the General Assembly in its resolution 63/253 of 23 February 2009.

4. In Order No. 105 (NY/2010) of 21 April 2010, the Dispute Tribunal directed the parties to submit a joint submission outlining the main facts and issues of the case. On 18 May 2010 the parties filed a joint motion for suspension of proceedings "while the parties are attempting to negotiate a settlement". Compliance with the direction to file a joint submission was suspended pending settlement negotiations by Order No. 121 (NY/2010) and Order No. 151 (NY/2010).

5. On 21 July 2010, counsel for the respondent submitted a notice of withdrawal signed by both counsel for the applicant and the applicant. It stated –

Upon the filing of this Notice of Withdrawal, with the leave of the Tribunal, the Applicant withdraws all allegations and claims made by the Applicant in this proceeding.

**Conclusion**

6. In view of the notice of withdrawal, there is no longer any matter for adjudication before the Dispute Tribunal and the case is closed.

*(Signed)*

Judge Ebrahim-Carstens

Dated this 21st day of July 2010

Entered in the Register on this 21st day of July 2010

*(Signed)*

Hafida Lahiouel, Registrar, New York