



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2011/021

Judgment No.: UNDT/2011/078

Date: 3 May 2011

Original: English

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**Before:** Judge Ebrahim-Carstens

**Registry:** New York

**Registrar:** Santiago Villalpando

IKEGAME

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for Applicant:**

Duke Danquah, OSLA

**Counsel for Respondent:**

Alan Gutman, ALS/OHRM, UN Secretariat

## **Introduction**

1. On 22 March 2011 the Applicant appealed the administrative decision which compelled her to retire at the age of 60, rather than 62.

2. The basis for the Applicant's appeal was that the administrative decision was factually flawed with regard to the classification of her contractual status (as a transferred staff member rather than a loaned staff member) thus resulting in a misapplication of the provisions of the applicable Inter-Organization Agreement ("IOA"). The Applicant further contended that she had an acquired right to retire at age 62 and that the Administration's decision to have her retire at age 60 was a misunderstanding of the IOA, and thus the impugned decision was also technically flawed.

3. The Applicant sought rescission of the impugned decision and an order permitting her to retire at age 62.

4. On 21 April 2011 the Respondent requested an extension of time to file his Reply on the grounds that:

The Applicant and the Administration have been involved in ongoing negotiations and expect to reach an amicable resolution of this matter. However, an agreement has yet to be finalized.

5. On 25 April 2011 the Tribunal granted the requested extension of time.

6. On 29 April 2011 Counsel for the Applicant informed the Tribunal that he had been:

formally informed by the Management Evaluation Unit that the Administration had agreed to rescind its previous decision for the Applicant to retire at age 60 and had extended her contract for two additional years in order for her to retire at age 62.

7. By way of motion, the Applicant sought leave of the Tribunal, under art. 19 of the Rules of Procedure, to withdraw her application "[i]n view of the fact that the

Applicant's objective in filing the application to the UNDT has been thus satisfied, she has no further need to pursue the instant application".

### **Consideration**

8. The Tribunal understands therefore that following successful negotiations, the parties have resolved this dispute amicably. The Tribunal commends Counsel for both parties for having done so.

9. In light of the amicable resolution of this matter and the Applicant's withdrawal of her application, there is no longer any matter for adjudication by the Dispute Tribunal.

### **Conclusion**

10. In view of the foregoing, Case No. UNDT/NY/2011/021 is hereby closed without determination of its merits.

*(Signed)*

Judge Ebrahim-Carstens

Dated this 3<sup>rd</sup> day of May 2011

Entered in the Register on this 3<sup>rd</sup> day of May 2011

*(Signed)*

Santiago Villalpando, Registrar, New York