



Before: Judge Goolam Meeran

Registry: New York

Registrar: Nerea Suero Fontecha

NEDEL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON WITHDRAWAL

Counsel for Applicant:

Daniel Trup, OSLA

Natalie Dyjakon, OSLA

Counsel for Respondent:

Elizabeth Gall, ALD/OHR

Introduction

1. On 16 May 2017, the Applicant, a Chief in the Corporate Procurement Section at the P-5 level, step 6, with the (then) Department of Management, filed an application in which she described the contested decision as the decision of the Administration to reduce her contracted salary and the manner in which that decision was implemented. As a remedy, the Applicant requested that the decision be rescinded, and that she should receive the outstanding backdated pay. The Applicant requested an expedited hearing.

2. On 16 June 2017, the Respondent filed the reply submitting that the application was not receivable and that, in any event, the impugned decision was lawful.

3. Following several case management orders, the case was reassigned to the undersigned Judge on 1 April 2019.

4. By Order No. 57 (NY/2019) dated 2 April 2019, the Tribunal issued an order in this and other cases raising the same or similar factual and legal issues:

... **On or before Tuesday, 9 April 2019**, the Applicants and each of them are to respond to the following questions:

a. Is it accepted that, in his responses to Orders No. 133-136 (NY/2018) and 25 (NY/2019), the Respondent has correctly characterised the nature of the claims and, if so, are his submissions accepted or challenged, that the claims “are identical to the arguments already considered and rejected by the Appeals Tribunal in *Lloret Alcañiz et al.* [2018-UNAT-840] and *Quijano-Evans et al.* [2018-UNAT-841]”;

b. If the answer to question “a” is in the affirmative, do each of the Applicants seek to distinguish their case from the rulings of the Appeals Tribunal and, if so, to state the grounds in a submission not exceeding five pages.

c. If the Applicants and each of them accept that the Dispute Tribunal is bound by the Judgments of the Appeals Tribunal to state if they wish to withdraw their claim and, if

not, to state what other consideration and/or disposal they are seeking.

5. On 9 April 2019, the Applicant filed her submission in response to Order No. 57 (NY/2019) indicating that she wished to withdraw her claim.

Judgment

6. There being no matter for judicial consideration and determination in this case, it is ordered that Case No. UNDT/NY/2017/048 be closed.

(Signed)

Judge Goolam Meeran

Dated this 22nd day of April 2019

Entered in the Register on this 22nd day of April 2019

(Signed)

Nerea Suero Fontecha, Registrar, New York