



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Nerea Suero Fontecha

RONVED

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON WITHDRAWAL
OF AN APPLICATION
FOR SUSPENSION OF ACTION**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Elizabeth Gall, ALD/OHR, UN Secretariat

Introduction

1. On 27 March 2019, the Applicant, a Human Resources Officer at the P-3 level, step 12, with the Department of Operational Support in New York, filed an application under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure seeking to suspend the decision, pending management evaluation, "to recover USD 6,201.82 from [his] March 2019 salary", which was to be implemented on 28 March 2019 with the payment of the Applicant's March 2019 salary. The Applicant submits that the recovery of almost 60 percent of his March 2019 net salary will cause irreparable harm and undue financial hardship.

2. On the same day, the application was registered and assigned to the undersigned Judge.

3. By Order No. 50 (NY/2019) dated 27 March 2019, upon considering the dire urgency of the matter, and because it is within its competence to do so, the Tribunal suspended the contested decision during the pendency of the instant proceedings. The Tribunal also directed the Respondent not to make any deductions in the Applicant's March 2019 salary, or, should this not be technically feasible, to "use its best endeavors to find an alternative solution to ensure that the Applicant receives full salary for March 2019". The Tribunal also ordered that the Respondent file and serve his reply by 10:00 a.m. on Monday, 1 April 2019.

4. By email dated 27 March 2019, the Tribunal served the application for suspension of action on the Respondent and transmitted the above-mentioned Order No. 50 (NY/2019) to the parties.

5. By email dated 29 March 2019 addressed to the Tribunal at 11:32 a.m., the Applicant stated that "[his] underlying Management Evaluation Request has been fully agreed to [...]. The case is as such no longer pending Management Evaluation".

He also attached a copy of the letter he received from Management Evaluation Unit (“MEU”) by which, on 28 March 2019, the MEU made the following determination:

[...] On 27 March 2019, the MEU received confirmation from the Chief, Headquarters Clients Support Service (HQCSS), Division of Administration, United Nations Department of Operational Support that, on an exceptional basis, approval was granted not to recover the pro-rated sum portion of the settling-in-grant and relocation grant provided to you while serving with the United Nations Stabilization Mission in Haiti on a fixed term appointment for less than [sic] one year (*i.e.* 14 February 2017 until 13 October 2017). Additionally, the HQCSS advised that as it was too late to block the recovery, they requested Payroll to process a payment in the amount of USD6,180.82 to offset the amount to be recovered.

The MEU concluded that, in light of the Administration’s decision, the Applicant’s request had been rendered moot and it was proceeding to close the file.

6. In his aforesaid email to the Tribunal, the Applicant indicated that, further to MEU’s notification, he was withdrawing his application for suspension of action pending before this Tribunal.

7. The Tribunal appreciates and finds it commendable that immediately following the request for management evaluation, the Administration has seen it fit to provide redress on this matter on urgency basis. The resolution of matters which appear *prima facie* unlawful, particularly if there has clearly been noncompliance with any statutory or regulatory provision, should be encouraged as the resolution of such cases saves the Organization valuable resources and the costs of lengthy unnecessary proceedings.

IT IS ORDERED THAT:

8. The Applicant having requested withdrawal of the application for suspension of action, the contested decision having been rescinded, there is no further determination to be made by the Tribunal. Case file number UNDT/NY/2019/020 is hereby closed.

(Signed)

Judge Ebrahim-Carstens

Dated this 29th day of March 2019