



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2019/026  
UNDT/GVA/2019/053  
Order No.: 99 (GVA/2021)  
Date: 2 June 2021  
Original: English

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**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** Geneva

**Registrar:** René M. Vargas M.

ALTINGER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
NOTICE OF WITHDRAWAL**

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**Counsel for Applicant:**

Victor Rodriguez

**Counsel for Respondent:**

Alan Gutman, AAS/ALD/OHRM, UN Secretariat

## **Introduction**

1. The Applicant was the Regional Adviser on Climate Change at the Economic and Social Commission for Asia and the Pacific (“ESCAP”). She encumbered this post on a fixed-term appointment at the P-5 level and was based in Bangkok.
2. She has two applications before the Geneva Registry of the United Nations Dispute Tribunal.
3. On 3 April 2019, she filed an application to challenge the Respondent’s decision to not renew her fixed term appointment beyond 31 December 2018. This case is registered under Case No. UNDT/GVA/2019/026.
4. On 8 May 2019, the Respondent filed his reply and moved the court to strike out the application on grounds of receivability and on its merits.
5. On 5 September 2019, the Applicant filed an application challenging the Respondent’s treatment of her complaint pursuant to ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment and abuse of authority). This case was registered under Case No. UNDT/GVA/2019/053.
6. The Respondent filed his reply to this application on 7 October 2019. It is the Respondent’s case that the impugned decision is legal, reasonable and procedurally fair, and that it was rational and reasonable for the responsible official to have decided as he did after examining the allegations in the complaint.
7. On 2 February 2021, the Tribunal issued Order No. 21 (GVA/2021) setting this matter down for a case management discussion (“CMD”).
8. The CMD took place, as scheduled, on 16 February 2021. The Applicant and her Counsel were present, as was Counsel for the Respondent.
9. Following the CMD, the Tribunal issued Order No. 50 (GVA/2021), in which the two applications were consolidated. The Tribunal strongly urged the parties to engage in settlement discussions with a view to having the dispute between them resolved without recourse to further litigation.

10. On 9 March 2021, the parties jointly sought a 30-day suspension of proceedings, and a referral of this matter to the Office of the United Nations Ombudsman and Mediation Services (“OMS”).

11. On 11 March 2021, the Tribunal issued Order No. 67 (GVA/2021) granting the parties’ motion, referring the matter to OMS and suspending proceedings in this matter. Subsequent requests for extension of time to continue with settlement discussions and conclude a settlement agreement were also granted by the Tribunal.

12. On 22 May 2021, the Applicant informed the Tribunal that a settlement agreement was signed between the parties on 20 May 2021, and that the Applicant was therefore withdrawing her applications before the Tribunal.

#### **Considerations and Order**

13. The Tribunal commends the parties for agreeing to engage in settlement discussions and for the successful conclusion of those discussions.

14. The Tribunal hereby **RECORDS** the contents of the Applicant’s notice of withdrawal and **ORDERS** that the matter of *Altinger v Secretary-General of the United Nations* (Case No. UNDT/GVA/2019/026 and 053) be struck off the Tribunal’s docket.

*(Signed)*

Judge Eleanor Donaldson-Honeywell

Dated this 2<sup>nd</sup> day of June 2021

Entered in the Register on this 2<sup>nd</sup> day of June 2021

*(Signed)*

René M. Vargas M., Registrar, Geneva