



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON WITHDRAWAL OF
APPLICATION**

Counsel for Applicant:

Jeffrey C. Dahl

Counsel for Respondent:

UNOG

Introduction

1. The Applicant, a Drug Control Officer, United Nations Office on Drug Control (“UNODC”), United Nations Office at Vienna (“UNOV”), contests the decision of the Human Resources Management Services (“HRMS”) to not allow Education Grant (“EG”) and Special Education Grant (“SEG”) to be paid in combination.

Facts and Procedural History

2. On 8 September 2022, in response to an email from the Applicant requesting clarification about SEG, HRMS informed the Applicant that EG and SEG are subject to the same single maximum limit and are not to be combined.

3. On 7 November 2022, the Applicant requested management evaluation of the decision above.

4. On 9 December 2022, the Management Evaluation Unit (“MEU”) decided that the email dated 8 September 2022 did not constitute an administrative decision under staff rule 11.2(a) and dismissed the Applicant’s request as not receivable.

5. On 13 February 2023, HRMS instructed the Applicant to “re-submit the EG advance for 2023-2024 once the acceptance and costs are confirmed by the school”, and informed him that they could only process the request after the 2022-2023 advance was settled. The email further informed the Applicant that the policy on SEG entitlement had been addressed and clarified to him by e-mail dated 8 September 2022.

6. On 7 March 2023, the Applicant filed an application contesting the decision contained in the email dated 8 September 2022. It was registered under Case No. UNDT/GVA/2023/012 (Applicant).

7. On 12 April 2023, the Applicant requested management evaluation of the decision contained in the 13 February 2023 email.

8. On 25 May 2023, the MEU decided that the email dated 13 February 2023 did not constitute a reviewable administrative decision.

9. On 23 August 2023, the Applicant filed an application contesting the administrative decision contained in the email dated 13 February 2023. It was registered under Case No. UNDT/GVA/2023/046.

10. On 21 September 2023, by Judgment *Applicant* UNDT/2023/107, the Dispute Tribunal adjudicated Case No. UNDT/GVA/2023/012 (Applicant) rejecting the Applicant's application and confirming the lawfulness of the decision contained in the email dated 8 September 2022.

11. On 7 November 2023, the Applicant filed a motion for dismissal of Case No. UNDT/GVA/2023/046.

Consideration

12. In his motion, the Applicant states that “[he] wishes to withdraw all claims brought forward in the case UNDT/GVA/2023/046. All issues were decided by the UNDT in [Case No.] UNDT/GVA/2023/012 and this filing is now moot”.

13. The decision contained in the 13 February 2023 email is indeed the same as the one in the email dated 8 September 2022.

14. Having reviewed the motion, the Tribunal agrees with the Applicant that the instant matter under dispute, i.e., Case No. UNDT/GVA/2023/046, is moot. Accordingly, the Tribunal does not see any obstacles for the withdrawal of the related application.

15. The Applicant's clear and unequivocal withdrawal of his application requires no pronouncement on the merits and concludes the current matter before the Tribunal.

Conclusion

16. In view of the foregoing, it is ORDERED THAT there being no further matter for adjudication before the Tribunal, Case No. UNDT/GVA/2023/046 be hereby closed and struck from the Tribunal's docket.

(Signed)

Judge Sun Xiangzhuang

Dated this 8th day of November 2023

Entered in the Register on this 8th day of November 2023

(Signed)

René M. Vargas M., Registrar, Geneva