



Before: Judge Nkemdilim Izuako
Registry: Nairobi
Registrar: Abena Kwakye-Berko, Acting Registrar

D'AMICO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON WITHDRAWAL OF
APPLICATION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Ms. Katya Melliush, UNON
Ms. Bibi Eng, UNEP

Introduction

1. The Applicant is a Staff member at the United Nations Environment Programme (UNEP). In her Application dated 27 November 2012, she is contesting the decision to downgrade her level without classification following a renumbering exercise at the Montreal duty station. She alleges that she was never informed officially from the United Nations Office at Nairobi (UNON)/UNEP upon accepting the offer at the G6 level that the Montreal duty station, her post would be subjected to downgrading.

2. At a case management hearing held on 14 January 2013, the Tribunal proposed and the parties agreed that the case should be referred to mediation.

3. Pursuant to art. 10 (3) of the Statute of the Dispute Tribunal, the matter was referred for mediation by the Mediation Division in the office of the Ombudsman and the proceedings were accordingly stayed for a period of six weeks, up to 26 February 2013.

4. Pursuant to art. 15(6) of the Tribunal's Rules of Procedure, the Mediation Division was to apprise the Tribunal of the outcome of the mediation in a timely manner.

5. On 20 February 2013 the Director of Mediation, with the consent of parties applied for extension of time for the conduct of the mediation up to 30 April 2013.

6. On 30 April 2013 the Director of Mediation, again with the consent of parties applied for extension of time for the conduct of the mediation up to 30 June 2013.

7. On 21 May 2012 the Tribunal issued Order No. 116 (NBI/2013) granting the parties a final extension of time pursuant to art. 15.6 of the Statute of the Tribunal.

8. On 9 August 2013, the Mediation Division informed the Tribunal that it had completed the mediation proceedings in respect of this matter and that the dispute had not been settled.

9. On 2 September 2013, the parties were informed that a case management hearing would take place on 10 September 2013 pursuant to art. 16.1 of the Tribunal's Rules of Procedure.

10. On 3 September 2013, the Applicant made a request to withdraw her case.

11. In light of the Applicant's request for withdrawal,

IT IS ACCORDINGLY ORDERED THAT:

12. The matter of *D'Amico v. the Secretary-General of the United Nations*, registered in the Registry records as case number UNDT/NBI/2012/067 be struck off the record.

Signed

Judge Nkemdilim Izuako

Dated this 4th day of September 2013

Entered in the Register on this 4th day of September 2013

Signed

Abena Kwakye-Berko, Acting Registrar, Nairobi