



Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko, Acting Registrar

WILSON III

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
FOR WITHDRAWAL**

Counsel for the Applicant:

Marissa Macleenan, OSLA

Counsel for the Respondent:

Stephen Margetts, ALS/OHRM

Sarahi Lim Baro, ALS/OHRM

Introduction and Procedural History

1. The Applicant is a Human Resources Operations Manager with the Kuwait Joint Support Office of the United Nations Missions in Afghanistan and Iraq (KJSO/UNAMA/UNAMI). He serves at the P4 step 6 level on a Fixed Term appointment in Kuwait.

2. The present Application, dated 18 October 2013, is filed on the merits following applications for suspension of action on 5 September 2013 and 10 October 2013.

3. The Applicant seeks an order suspending the following pursuant to art. 14 of the UNDT Rules of Procedure

- a. The decision to separate him from KJSO pending a final resolution by either the Management Evaluation Unit (MEU) or the UNDT should an appeal become necessary after the MEU decision;
- b. The decision to move him from Post No. 74588 to Post No. 54326 pending a final resolution by either the MEU or the UNDT;
- c. The decision to place him on a Performance Improvement Plan (PIP) pending a final resolution by either the MEU or the UNDT.

4. The Application was served on the Respondent on 18 October 2013.

5. On the same day, the Tribunal issued Order No. 227 (NBI/2013) seeking further and better particulars from the Applicant. The Tribunal also advised the Applicant that the option of seeking counsel in the Office of Staff Legal Assistance (OSLA) is available to him.

6. On 21 October 2013, OSLA wrote to the Registry to inform it that the Office now has carriage of the case, and that Ms. Marissa Macleenan has been appointed Counsel for the Applicant. An OSLA Consent Form was also filed.

7. Also on 21 October 2013, the Administrative Law Section (ALS) acknowledged receipt of the Application served on them and informed the Registry that the Secretary-General will be represented by Mr. Stephen Margetts and Ms. Sarahi Lim Baro.

8. On 22 October 2013, Counsel for the Applicant furnished the Tribunal with the further and better particulars requested.

9. The matter was listed for hearing on 31 October 2013. Subsequently, the Tribunal issued Order No. 234 (NBI/2013) amending the initial schedule so that the hearing was now listed for the morning of 30 October 2013.

10. On the morning of 30 October 2013, Counsel for the Applicant filed a 'Motion for Clarification/Refile Application on the Merits' (*sic*).

11. The Applicant informs the Tribunal that he wishes to "re-file his Application on the merits...because the Management Evaluation Unit's deadline for a decision has now passed." The Applicant also submitted that a hearing on the injunctive relief sought in the Application is no longer necessary.

12. In sum, the Applicant wishes to be allowed to withdraw his Application and have it removed from the court's docket.

ORDER

13. The Tribunal hereby **GRANTS** the Applicant's motion and **ORDERS** that the matter of *Wilson v Secretary General of the United Nations* (UNDT/NBI/2013/069), be struck off the Court's docket.

Case No. UNDT/NBI/2013/069

Order No.: 239 (NBI/2013)

(Signed)

Judge Vinod Boolell

Dated this 30th day of October 2013

Entered in the Register on this 30th day of October 2013

(Signed)

Abena Kwakye-Berko, Acting Registrar, Nairobi