



**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

HART

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER ON THE APPLICANT'S MOTION  
TO DISCONTINUE HER APPLICATION  
FOR SUSPENSION OF ACTION**

---

**Counsel for the Applicant:**

Alexandre Tavadian, OSLA

**Counsel for the Respondent:**

Steven Dietrich, ALS/OHRM

## **Introduction**

1. The Applicant holds a fixed term appointment with the United Nations. She serves as a Civil Affairs Officer at the P4 level at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and is based in Bukavu.

2. On 29 June 2015, the Tribunal received the Applicant's Application for Suspension of Action. She sought an injunction against the Respondent's decision to treat her failure to report for duty in Mbandaka no later than 26 June 2015 as a "unilateral repudiation of [her] contract despite the fact that Mbandaka fails to meet even the most basic standards of medical care for [her] specialized health care needs."

3. On 29 June 2015, the Tribunal issued Order No. 225 (NBI/2015) suspending the impugned decision until the application for suspension of action was heard and determined. The Tribunal also advised the Applicant to seek the services of counsel and directed her to the Office of Staff Legal Assistance (OSLA).

4. On 29 June 2015, counsel from OSLA on behalf of the Applicant filed further submissions in support of her Application.

5. The Respondent filed his Reply to the Application on 30 June 2015. In the said reply, the Respondent informed the Tribunal that the impugned decision had been suspended pending the review of the Applicant's medical records by the Medical Services Division. The Respondent also undertook to "not take any action [...] under the Staff Regulations and Rules concerning the instruction" that the Applicant report to Mbandaka on 26 June 2015.

6. On 1 July 2015, the Applicant filed the subject motion of the present Order seeking to "discontinue her Application."

**DIRECTIONS**

7. The Tribunal hereby **GRANTS** the Applicant's Motion and **ORDERS** that the matter of *Hart v Secretary General of the United Nations* (UNDT/NBI/2015/073) be struck off the Court's docket.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 1<sup>st</sup> day of July 2015

Entered in the Register on this 1<sup>st</sup> day of July 2015

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi