



**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

BOLTON

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S MOTION  
TO WITHDRAW FROM PROCEEDINGS**

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**Counsel for the Applicant:**  
Evelyn W. Kamau, OSLA

**Counsel for the Respondent:**  
Nicole Wynn, AAS/ALD/OHR  
Rosangela Adamo, AAS/ALD/OHR

## **Introduction**

1. On 18 December 2020, the Applicant filed an application challenging what he describes as the Administration's decisions of: arbitrarily refusing to authorize his continued secondment with the United Nations Children's Fund; failing to recognize his general right to return to the Secretariat; failing to make reasonable efforts to place him in another position; and improperly terminating his continuing appointment.<sup>1</sup>

2. The deadline for the Respondent's reply is on 22 January 2021.

3. On 28 December 2020, the parties filed a joint motion informing the Tribunal that through the Management Evaluation Unit, they have been involved in informal discussions to resolve the issues in this case. The discussions are at an advanced stage and the recommendation for a settlement agreement is before the Under-Secretary-General for the Department of Management Strategy, Policy and compliance. Accordingly, the parties are requesting for suspension of proceedings for 30 days until 25 January 2021, and to extend the deadline for the filing of the Respondent's reply until 25 February 2021, to enable informal resolution of the issues.

4. On 29 December 2020, the Tribunal issued Order No. 244 (NBI/2020), suspending proceedings until 25 January 2021 and deferring the deadline for filing of the Respondent's reply to 25 February 2021.

5. On 25 January 2021, the parties informed the Tribunal that the dispute between them has now been settled; but that the settlement agreement is being revised because there was a discrepancy in the settlement amount in the document sent to Applicant. The parties expect to sign the Release Form finalizing the settlement within 10 days.

6. On 26 January 2021, the Tribunal issued Order No. 028 (NBI/2021) extending the suspension of proceedings as requested by the Parties.

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<sup>1</sup> Application, section V.

7. On 11 February 2021, the Applicant filed a motion to withdraw from proceedings.

### **Deliberations and Order**

8. The Tribunal commends the parties for having resolved this matter *inter partes*.

9. The Tribunal hereby **ORDERS** that the matter of *Bolton v Secretary General of the United Nations* (UNDT/NBI/2020/099) be struck off the Court's docket.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 16<sup>th</sup> day of February 2021

Entered in the Register on this 16<sup>th</sup> day of February 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi