



UNITED NATIONS DISPUTE TRIBUNAL

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Case Nos.: UNDT/NBI/2020/098  
UNDT/NBI/2021/010  
Order No.: 134 (NBI/2021)  
Date: 12 July 2021  
Original: English

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**Before:** Judge Francis Belle  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

SCHWALM

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON WITHDRAWAL OF  
PROCEEDINGS**

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**Counsel for the Applicant:**  
Brandon Gardner, OSLA

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

## **Introduction**

1. The Applicant is a P-4 Joint Operations Officer with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”).

## **Procedural History**

2. The Applicant has two applications pending before the United Nations Dispute Tribunal sitting in Nairobi.

3. On 16 December 2020, she challenged the Respondent’s decision to strip her of her existing functions and reassign her.

4. On 2 February 2021, she challenged the decision “not to implement the MEU determination to rollback and complete her 2017-2018 ePAS, as well as the Administration’s failure to complete and furnish her in a timely fashion with her ePAS for 2018-2019 and 2019-2020.”

5. Both matters were the subject of *inter partes* settlement discussions, and the parties jointly moved the Tribunal for proceedings in both cases to be suspended.

6. The parties informed the Tribunal that subsequent to the issuance of several orders suspending the proceedings in this matter, the dispute between them has now been resolved and a settlement agreement signed.

7. The Applicant moved to withdraw all claims currently before the Tribunal.

## **Deliberations and Order**

8. The Tribunal commends and congratulates the parties for undertaking informal settlement discussions and resolving this matter without recourse to further litigation.

9. The Tribunal hereby **RECORDS** the contents of the Applicant's notice of withdrawal and **ORDERS** that the matter of *Schwalm v Secretary-General of the United Nations* (UNDT/NBI/2020/098 and UNDT/NBI/2021/010) be struck of the Tribunal's docket.

*(Signed)*

Judge Francis Belle

Dated this 12<sup>th</sup> day of July 2021

Entered in the Register on this 12<sup>th</sup> day of July 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi