



**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** René M. Vargas M., Officer-in-Charge

KULALA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for Applicant:**

Marco Gambardella, OSLA

**Counsel for Respondent:**

Andrea Ernst, DAS/ALD/OHR, UN Secretariat

### **Introduction**

1. By an application filed on 24 December 2023, the Applicant contests the administrative decision to withhold his final separation entitlements, including salary, and to delay the release of his Separation Notification Form and the issuance of his Personnel/Payroll Clearance Action Form until the conclusion of investigations against him for possible fraud by the Office of Internal Oversight Services.

2. Pursuant to Order No. 65 (NBI/2024) of 11 June 2024, the parties engaged in discussions to explore the possibility of an amicable settlement of the matter.

3. On 16 July 2024, the Applicant filed a motion informing the Tribunal that due to the successful implementation of a settlement agreement between the parties, he was withdrawing all allegations and claims in the present proceedings before the Tribunal in finality, including on the merits, and therefore requests a discontinuance of the proceedings.

### **Consideration**

4. The Tribunal commends the parties for resolving this dispute without further recourse to litigation.

### **Conclusion**

5. In view of the foregoing, it is ORDERED THAT there being no matter for adjudication by the Tribunal, Case No. UNDT/NBI/2023/086 (Kulala) be hereby closed without liberty to reinstate, and struck from the Tribunal's docket

*(Signed)*

Judge Sean Wallace

Dated this 19<sup>th</sup> day of July 2024

Entered in the Register on this 19<sup>th</sup> day of July 2024

*(Signed)*

René M. Vargas M., Officer-in-Charge, Nairobi