



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/025/
UNAT/1656

Order No.: 167 (NY/2011)

Date: 30 June 2011

Original: English

Before: Judge Marilyn J. Kaman

Registry: New York

Registrar: Santiago Villalpando

SAUNDERS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL

Counsel for applicant:
George Irving

Counsel for respondent:
Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant was one of eight staff members from the Department of Management, Procurement Division (“DM/PD”), who were placed on Special Leave With Full Pay (“SLWFP”) on 16 January 2006 following release of a December 2005 draft audit report into procurement matters and pending a follow-up investigation by a specially-constituted *ad hoc* Procurement Task Force of the Office of Internal Oversight Services (“OIOS/PTF”).

2. Subsequently, the Applicant was cleared of any misconduct charges, but when instructed to return to duty from the SLWFP, he was informed in a letter from the then Deputy Secretary-General, Mr. Mark Malloch-Brown, that his functions were restricted to non-procurement matters. After delineating the scope of the present case, the Tribunal identified this as its primary issue. Subsequently, the parties informed that they had settled the case amicably.

Procedural history

3. On 12 December 2008, the Applicant filed an application with the former United Nations Administrative Tribunal. On 22 June 2009, the Respondent filed his reply. On 1 January 2010, the case was transferred to the New York Registry of the Dispute Tribunal; on 25 January 2010, the parties were advised accordingly.

4. In Order No. 94 (NY/2010) of 20 April 2010, for case management purposes, the Dispute Tribunal (Judge Adams) directed the Applicant to submit a jointly-signed statement concerning the main facts and issues of the case, which was filed and served on 1 June 2010.

5. On 28 July 2010, the parties were notified that the case had been reassigned to the sitting Tribunal due to Judge Adams’ departure from the Dispute Tribunal.

6. On 2 August 2010, the sitting Tribunal ordered the Applicant to, *inter alia*, provide certain clarifications regarding the facts, the contested administrative decisions and the relief requested, which the Applicant submitted on 7 September 2010.

7. In Order No. 269 (NY/2010) of 11 October 2010, the Tribunal preliminarily delineated the scope of the case and instructed the parties to file and serve certain submissions and material, which—after being provided time extensions—both parties did during the course of November 2010.

8. In Order No. 49 (NY/2011) of 17 February 2011 on receivability, the Tribunal outlined the scope of the case as described in paragraph 2 above and allowed the Applicant to introduce evidence surrounding certain other decisions connected to the overall matter. The Tribunal, furthermore, set a hearing for 16 March 2011 and instructed the parties to file and serve lists of witnesses and proposed witness testimonies.

9. After the hearing had been deferred at the request of the parties, on 25 March 2011, the Respondent requested that the hearing be postponed pending informal settlement negotiations.

10. Accordingly, in Orders No. 112 (NY/2011) and 132 (NY/2011), the Tribunal postponed the hearing until 31 May 2011. By Order No. 143 (NY/2011) of 25 May 2011, the Tribunal cancelled the hearing until further notice.

11. By email of 22 June 2011, Counsel for the Applicant informed the Tribunal that “agreement has been reached on settlement of the Applicant’s claims” and that the application would be withdrawn upon receipt of the countersigned agreement.

12. By motion of 27 June 2011, Counsel for the Applicant requested that the application be withdrawn.

IT IS ORDERED THAT:

13. Since the application has been withdrawn, there is no matter for adjudication and the case is closed.

(Signed)

Judge Marilyn J. Kaman

Dated this 30th day of June 2011