



Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

SERRARIS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON WITHDRAWAL OF
APPLICATION FOR SUSPENSION OF
ACTION**

Counsel for Applicant:
Daniel Trup, OSLA

Counsel for Respondent:
Nicole Wynn, ALS/OHRM, UN Secretariat

Introduction

1. In the late afternoon of 28 July 2017, the Applicant, a Political Affairs Officer at the P-3 level with the United Nations Mission for the Referendum in Western Sahara (“MINURSO”) filed an application under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend the decision, pending management evaluation, not to renew her appointment with MINURSO. The Applicant alleges that the decision fails to adhere to any standard of review in that the notification that she received fails to identify any specific reason which would justify separation.

2. Together with her application, referring to arts. 19 and 36 of the Dispute Tribunal’s Rules of Procedure and the Appeals Tribunal’s judgment in *Villamorán* UNAT/2011/160, the Applicant also filed a motion requesting that the contested decision be suspended pending the Tribunal’s consideration of the suspension of action proceedings. She submitted that if the Administration were allowed to proceed with her separation on 31 July 2017, she would suffer the irreparable harm described in her application.

3. By Order No. 144 (NY/2017) dated 28 July 2017, the Tribunal granted, without prejudice to its determination of the application for suspension of action under art. 2.2 of the Tribunal’s Statute, the interim suspension order requested by the Applicant.

4. On 28 July 2017, the New York Registry of the Dispute Tribunal transmitted the application for suspension of action pending management evaluation to the Respondent directing that a reply be filed by 2 August 2017.

5. On 31 July 2017, the Applicant submitted a request for the withdrawal of the suspension of action proceedings stating that she “has now received an email from her local human resources officer confirming that her appointment will be extended. Consequently, [the Applicant] hereby seeks to withdraw her request for suspension of action”.

Consideration

6. In the instant case, the Applicant has confirmed in writing, by and through her counsel, that she is withdrawing her application. She sought to suspend, pending management evaluation, the decision not to renew her appointment with MINURSO, submitting that she was to be separated today on 31 July 2017. The Applicant now submits in her request for withdrawal, that subsequent to filing her application, the local human resources officer has confirmed that her appointment will be extended. The contested decision having been rescinded, the Tribunal, therefore, finds no obstacle in the withdrawal of her application.

Conclusion

7. There no longer being any determination for the Tribunal to make, this application for suspension of action is withdrawn and the case is closed.

(Signed)

Judge Ebrahim-Carstens

Dated this 31th day of July 2017