



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/117  
Order No.: 1 (NY/2018)  
Date: 3 January 2018  
Original: English

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**Before:** Judge Alessandra Greceanu

**Registry:** New York

**Registrar:** Morten Albert Michelsen, Officer-in-Charge

MARQUEZ-MORRIS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

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

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**Counsel for Applicant:**  
Aleksandra Jurkiewicz, OSLA

**Counsel for Respondent:**  
Chinonyelum Esther Uwazie, UNICEF

## **Introduction**

1. On 28 December 2018, at 5:15 p.m., the Applicant, a Programme Officer at the P-2 level, step 9, on a permanent appointment with the United Nations Children's Fund ("UNICEF"), filed an application for suspension of action during management evaluation pursuant to art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure, requesting that the administrative decision consisting in the Administration's "[f]ailure [...] to make good faith efforts to find an alternative suitable position for [the Applicant] following abolition of her post" resulting in her separation from the Organization on 31 December 2017 be suspended pending management evaluation. With the application, the Applicant filed a motion pursuant art. 19 and 36 of Rules of Procedure, requesting the Tribunal to suspend the implementation of the contested decision pending the consideration of the application for suspension of action.

2. On the same date (28 December 2017), the case was assigned to the undersigned Judge. By email to the parties, forwarded at 6:25 p.m. on the same date, the Registry acknowledged receipt of the application for suspension of action and notified the parties that, "Upon the instructions of Judge Greceanu, please be informed, as the implementation of the contested decision is to take place on Sunday, 31 December 2017: that [the Applicant's motion to suspend the contested decision during the Tribunal's consideration of the application for suspension of action] is granted, that the implementation of the contested decision is suspended pending the Tribunal's consideration of the application for suspension of action, and that a written order is to follow confirming this decision". Upon the assigned Judge's instructions, the Respondent was instructed to submit his reply to the application for suspension of action by 12:00 p.m. on Wednesday, 3 January 2018.

3. By email of 29 December 2017, the Respondent informed the Tribunal that "action has been taken to suspend the implementation of the contested decision in compliance with the Tribunal's instructions".

4. Later the same date (29 December 2017), by Order No. 282 (NY/2017), the Tribunal confirmed that the contested decision was suspended pending its consideration of the application for suspension of action, or until further order.

5. On 3 January 2018, the Respondent duly filed his reply in which it was stated that “UNICEF respectfully confirms suspension of separation action and deferral of the abolition date of the Applicant’s post until 31 March 2018 ... UNICEF respectfully submits that the application for suspension is moot, as separation will not be implemented during the period of management evaluation” (emphasis omitted).

6. Later the same date (3 January 2018), the Applicant filed a “[w]ithdrawal of application for suspension of action”, stating that “[i]n view of the Respondent’s undertaking and the deferment of the date of abolition of the Applicant’s post, the Applicant hereby seeks to withdraw her application for an order of a suspension of action”.

7. Since the Applicant has requested the withdrawal of her application for suspension of action, there is no longer any determination for the Tribunal to make on the application.

8. In light of the foregoing,

IT IS ORDERED THAT:

9. The Applicant’s request to withdraw the application for suspension of action is noted by the Tribunal and Case No. UNDT/NY/2017/117 is hereby closed.

(Signed)

Judge Alessandra Greceanu

Dated this 3<sup>rd</sup> day of January 2018